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FOR THE YEAR

1922

THE JOHN WATTS DEPEYSTER
PUBLICATION FUND SERIES

NEW YORK:
PRINTED FOR THE SOCIETY

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THE LETTERS AND PAPERS
OF
CADWALLADER COLDEN

VOLUME VI

1761-1764

From Gen. Jeffery Amherst

NEW YORK 1st January 1761

Sir

I am much obliged to you, for the Copy of your Letter to the high Sheriff of Albany (enclosed in yours of yesterday) the Contents of which give me the highest satisfaction, and I am hopefull they will have the designed Effect.

My Compliments on this day wait on you, I am with great truth & Regard

Sir

Your most Obedient Humble Servant

JEFF. AMHERST

Hon^{ble} Mr
President COLDEN

From Gen. Jeffery Amherst

NEW YORK, 1st January 1761.

Sir,

Yesterday Arrived here Captain Prescott, One of my Aid de Camps, with Letters from M^r Secretary Pitt, Notifying to me, the most melancholy News of the Death of the Late King, on the 24th October, in the most Sudden manner, His Majesty having appeared perfectly well the day before, and Even that very morning. That His present Majesty was proclaimed the next day; That the Parliament met on the 26th And that the King was firmly Resolved steadily to Support His Allies, and to prosecute the War with the utmost Vigor.

These being His Majesty's Resolutions, altho' I have not as yet received any Commands for the particular Operations which it may be found Expedient further to pursue in this Country, I think it Incumbent on me to give You the Earliest Notice of the King's Intentions, and, at the same time, to Acquaint You, that the Services

which still remain to be put in Execution for Compleating the great Object of the War in America, will require the further Aid & Assistance of His Majesty's good & Faithfull American Subjects; Wherefore, I must desire You to be prepared for the immediate Compliance with the King's Requisition for such a Number of Men from Your Province, as shall be thought requisite by His Majesty to Answer the proposed End of procuring a good & Lasting Peace; which Requisition I doubt not You will receive soon. I am, with great Regard,

Sir,

Your most Obedient Humble Servant.

JEFF: AMHERST.

P.S. For Your particular Information
I Enclose You the Gazettes of the 26th
& 28th October.

Hon^{ble} Mr. President COLDEN.

From Gen. Jeffery Amherst

NEW YORK 7th January 1761.

Sir,

In My Letter of the 1st Instant, I have made a mistake in Saying the late King died on the 24th October; His Majesty died on the 25th; the present King was proclaimed the next Day; and the Parliament met the 27th

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

Hon^{ble} Mr. President COLDEN.

JEFF: AMHERST.

From William Pitt

Sir

WHITEHALL [LONDON] 9 Jan. 1761

The Condé de Fuentes Ambassador Extraordinary
from His Catholick Majesty having applied to me in

behalf of Capt. Antonio de la Rosa, who, after great expence & much loss of time, both at New York & in England, has obtained a favourable Sentence from the Lords Commissioners of Appeal with regard to his Ship the S^t Joseph, I have the Kings Commands to Comply with His Excellency's request in recommending the above Captain Antonio de la Rosa to your good offices, & I am to desire that you will give him all the Support & Assistance in your power in the prosecution of his just Claims, & facilitate by all proper & legal Steps, the Carrying into execution the Sentence of the Lords of Appeal, the King having it much at heart that strict Justice be done to the Subjects of His Catholick Majesty.

I am

with great truth & regard

Sir

Your most Obed^t humble Serv^t

W. PITT

CAD. COLDEN, Esq^r.

[Indorsed]

Letter from Mr Sect^y: PITT

Relating to Cap^{tn} ANT^o DE LA ROSA, a Spaniard.

From Gov. Sir Henry Moore

[JAMAICA WEST INDIES 10 Jan^y 1761]

Sir

The Collector and Comptroller of the Customs of this Island have laid before me a Charge against Anthony Marshall Master of the Brig General Johnson and John Washington Master of the Brig Phoenix, which charge is supported by the Affidavits of the Comptroller who therein Swears that the above mentioned Vessels were on the 20 Ins^t in Kingston Harbor loaded with French Prize Sugars condemned here;—that no Person had given Security to the Receiver General for the Exportation of said Sugar as the Law directs; that the above mentioned Marshall and Washington had cleared out

without reporting any *Prize* Sugar, but had made such Reports in the several Offices (as mentioned in the Schedule inclosed) whereby it appears that the said Reports were false and contradictory by which means they obtained Clearances thro' the several Offices with an intent (as is supposed) to defraud his Majesty of the Duties payable upon Prize Sugars,—that this Deponent went with one Duncan M^c Waller on Board the Phoenix & General Johnson and there left Notice (Copy of which Your Excellency will also receive inclosed) with the Commanding Officer on board each Vessel; That the next Morning being the 23^d Ins^t this deponent sent one Geo: Collins with full Power to take Possession of the said Sugars in the King's name, who returned and Reported that the said Vessels were sailed out of Kingston Harbour the Night before and gone to Sea, and that they have not since returned.

As there is some reason to Suppose they are destined for some Port in America;—Permit me to lay before Your Excellency the above mentioned Extract from the Affidavit of M^r Joseph Sparkes the Comptroller of the Customs here with the other Papers enclosed, and to desire the favour that You will be pleased to give the necessary Orders to the proper Officers in Your Excellency's Government to seize the said Vessels and take into Custody the said Masters, that their Proceedings may be enquired into, in order that the fraud may be detected and the Duties may be Secured to the King.

I am with regard,

Sir,

Your Excellency's most Obedient humble Servant

H. MOORE

JAMAICA

10 Jan^{ry} 1761

[Indorsed]

M^r MOORE Gov^r of Jamaica

From Gov. Francis Bernard

S^r

BOSTON Jan. 10, 1761

I have this day received from London all the dispatches for the Governors of the continent containing the necessary orders on the accession of his present Majesty. As these are the duplicates, it is possible that the originals may have arrived at your port. But I think it proper to forward these with all possible expedition. I therefore send not only your packet but those also of all the governments south of you: These I must beg leave to commit to your care, as there is very little communication between this port & the Southern Colonies at this time of the Year. Those to the Governors of New Jersey & Pennsylvania you will send by express; and It may be proper to commit those of Maryland & Virginia to the care of Gov^r Hamilton with a desire that he would forward them by express to Annapolis, or otherwise as he shall see occasion. But this I leave to your consideration as possibly you may have an opportunity to send them by sea. Those to the Carolinas & the Bahamas you will send by Sea to Lieut. Governor Bull at Charles Town, unless opportunity should offer to send directly to N Carolina or Providence. Your port will afford more opportunities for this conveyance than any other: and possibly the General may assist you in this.

And now S^r give me leave to congratulate you on a compleat Victory gained by the King of Prussia over Count Daun, in which it is said the latter had 20,000 killed 10,000 taken prisoner & 110 cannon taken with all their baggage. The Gazette has no particulars, but I shall send a paper that has several articles of this affair to General Amherst.

I am, with great regard,

S^r Your most obedient humble Servant

The bearer has the Gazette with
some articles from other papers
transcribed.

FRA. BERNARD

The Honble President Colden

From Jacob Van Schaick

[Jan^{ry} 12, 1761]

May it please your Hon^r

In answer to your hon^{rs} Letter, I must say I have not known of one Letigious suit carried on against any officer in the Army whilst I have been Sheriff—the present action is not carryed on by any person in Albany—when Lieut. Coventry rescued himself I applyed to Lord Rollo, when the soldiers were billeted on me I applyed to Lord Rollo, got no Relief—When I rec'd Gen^l Amherst letter I applyed again to Lord Rollo, in three days after the Soldiers to the number of Six were taken away, and two Soldiers yet remains billeted upon me. I have received no Satisfaction from Coventry in the affair of the arrest. I would have wrote by the last post to your hon^r but had no oportunity to see Lord Rollo.

I think it hard where a Gentleⁿ of the army ows a Just debt in New York or Else where, when the party sends me the Kings Writ, that I should become lyable to that debt, by the officers resistance contrary to Law

I am your hon^{rs} most obed^t humble Serv^t

JACOB VAN SCHAICK

Albany

Jan^{ry} 12th 1761

[Indorsed]

Sheriff of Albany's Letter

[January 17, 1761]

*Proclamation of Accession of George III by New York
Council and Leading Citizens*

WHEREAS it hath pleased Almighty God to call to His Mercy Our late Sovereign Lorde King George the Second of Blessed and Glorious memory, by whose Decease the Imperial Crown of Great Britain, France and Ireland, as also the Supreme Dominion and Sovereign

Right of the Province of New York; and the Territories depending thereon, and all other His late Majesty's Dominion in America, are Solely and rightfully come to the High and Mighty Prince George Prince of Wales; We therefore the President of the Council and Commander in Chief of this Province and Members of the Council assisted with Numbers of the principal Inhabitants do hereby with one full Voice and consent of Tongue and Heart publish and proclaim, that the High and Mighty Prince George Prince of Wales is now by the Death of Our late Sovereign of happy and glorious Memory, become Our only Lawfull and Rightfull Leige Lord George the Third, by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith, Supreme Lord of the said province of New York and Territory depending thereon, and all other His late Majesty's Territories and Dominions in America, to whom We do acknowledge all Faith and Constant Obedience, with all Hearty and Humble Affection, beseeching God, by whom Kings and Queens do reign, to bless the Royal King George the Third with long and happy Years to reign over Us. Given at the Council Chamber In New York the Seventeenth day of January One thousand seven hundred and Sixty One.

God save the King

CADWALLADER COLDEN

ARCH. KENNEDY

DAN. HORSMANDEN

RICH^d NICHOLLS

JOHN PETER TÊTARD Clerk.

DAVID BOSTWICK Clerk

HENS BARCLAY

JOHN CARLE

SAMUEL AUCHMUTY

JOANS RITZEMA

LAMBERTUS DE RONDE

J. ALBERT WEYGAND

JOHN CRUGER

J. JOHNSON

JOHN BOGERT JUN^R
PHIL. LIVINGSTON
J. ROBERTS
FRA^S: FILKIN
PETER MESIER
NICH^S ROOSEVELT
AUG^T. V. CORTLANDT
BENJ^A BLAGGE
THO^S RANDALL
COR^N ROOSEVELT
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PETER MIDDLETON
DAVID COLDEN
JN^O CHAMBERS
W^M SMITH
JN^O WATTS
W^M WALTON
OLIVER DE LANCEY
J. T. KEMPE
JAMES DE LANCEY
W^M SMITH JUN.
SAM^L MOORE
R^T R. LIVINGSTON
DAVID CLARKSON
B^{EV}: ROBINSON
P. V. B. LIVINGSTON
P^R STUYVESANT
CHA^S W. APTHORP
ALEX^R COLDEN
HENRY WHITE
FRA^S LEWIS
CHAS. WILLIAMS
GW. BANYAR
JA^S DUANE
JACOB WALTON
WADDELL CUNNINGHAM
THEOPHILACT BACHE
THO^S HAYES

LAWRENCE KORTRIGHT
JOHN FORSTER
PETER DU BOIS

From Commissioners of Customs

[February 12, 1761]

Sir

Having pursuant to a Warrant from the Treasury issued our Deputation to John Temple Esq^r to be Surveyor General of the Northern part of the Continent of America in the room of Thomas Lechmere Esq^r who is thereby Superseded and he having given Security here for the faithfull discharge of his Duty We desire the favor of You to Admit M^r Temple to the said Imploy on his taking the Oaths enjoined by Law and grant him a Certificate thereof to be transmitted to Us, and that You will afford him Your Assistance and Protection as he shall have occasion to apply to You for Putting in Execution the Laws relating to Trade and Navigation

We are

Sir

Your most Obedient humble Servants

H. PELHAM,

S. MEAD

EDW^d HOOPER

C: AMYAND

Custom house London

12th February 1761

His Excellency the Governor of New York

[Indorsed]

Letter desiring M^r TEMPLE to be admitted

From Board of Trade

WHITEHALL [LONDON] Febr^y 12th 1761

Sir,

I am directed by the Lords Commiss^{rs}: for Trade & Plantations to send you the inclosed Order of His

Majesty in Council on the 24th of December last, confirming An Act pass'd in the Province of New York in 1759, *to impower Justices of the Peace, Mayor, Recorder & Aldermen to try Causes to the Value of five Pounds & under, and for repealing An Act therein mention'd.*

I am also directed to send you a Copy of their Lordships Representation to His Majesty upon this Act, to the end that you may be apprized of the Grounds and Reasons upon which the Order is founded. I am

Sir

Your most Obedient humble Servant

JOHN POWNALL.

CADWALLADER COLDEN Esquire }
President of the Council of New York }

[Indorsed]
Secretary POWNALL's letter

From Gov. Thomas Boone

PERTH AMBOY [N.J.] Feb^{ry} 14, 1761

Sir

I this Instant receive yours of the 12th; with a Copy of An Order of Council of the Province of New York, & other Papers seemingly of Moment Enclosed; Your Duty will not Suffer you to Overlook what you Deem a Contempt of the Authority of your Government, and mine Enjoins me not to take any step Rashly that may be to the Disadvantage of those Committed to my Charge; And As I am favored with your letter by advice of your Council, it would be the highest Indiscretion in me, not to Avail myself of the opinion of Mine; This Prefaced I can assure you that nothing will give me more Pleasure than an Expeditious Accommodation, & a Settled & durable Harmony betwixt the two Provinces I am Sir with Great Regard

Your most Obedient Servant

THO: BOONE

From William Johnson

FORT JOHNSON 20th Febr^y 1761

Dear Sir

Your verry freindly letter received some time ago, for which I am extremely oblided to You, encourages me to trouble you now with an affair which I am oblided to take notice of, and see Justice done to the Indians in, it is concerning the Sale of their Lands; I know that his Majestys Instructions to his Governour relative thereto (Copy of which, as far as relates to the Indians, was transmitted to me by the Lords of Trade some time ago) are verry full & explicit, and I doubt not in the least of their being adhered to by You, but as there has been & still are abuses & unfair means used with them for obtaining Deeds for their Lands, which may not, indeed cannot be well cognisable to a Governour. I think it my Duty to give you a hint of it, and endeavour all in my power to prevent their being defrauded, as I am fully sensible that nothing can tend more to alienate their affection & attachment from his Majestys Interest, than the pressing them to dispose of their Lands, & that often by verry unwarrantable means, when at their Castle three days ago, they all expressed their concern, and great uneasiness on that Account, and desired I would write to You, and entreat you not to pass Pattents for any Lands, that were not given, or sold with the consent of their whole Castle as they say that their Bretheren the white People, often make a few of their foolish People drunk, then get them to sign Deeds, while the rest, and those, even whose property it is, know nothing at all of the affair.—this I am certain, is contrary to his Majestys Intention as well as to the regulations made in y^e Year 1736 on y^r Memorial.—there are many recent instances to prove their Assertion, but I shall only trouble you with two, viz^t that of Ury Klock, & one Eve Pickard a Mulatto Woman liveing on the Flatts of Conajohare. the former, about two Months ago, haveing no Lycence that I can learn, did bribe and make drunk a few Indians, and

perswaded them to sign a Deed, which they knew not the purport of, without a Magistrate or Interpreter present, and when the Said three or four Indians got sober, and were told of it, they were ready to hang themselves, and exclaimed greatly against Klock, this and many other base things has he done in that way, w^h I shall now not trouble you with, but come to the latter who shewed me a Deed of gift for part of the Indian Flatts, or Lowlands &ca signed but three days ago by three Indians dead drunk, it is dated notwithstanding last September. the three Indians whom she got to sign it, are the drunkenest Rascals in y^e whole Castle, and were carried away from a Horse race on the Ice, by Eve Pickards Children to their House w^h is a Tavern there made drunk for the above purpose. I spoke to the three Indians next day, who were surprised, and declared they knew nothing of it. I do assure You Sir, that all the Indians of the two Mohawk Castles are more alarmed & uneasy of late, than ever I knew them to be before. occasioned greatly by some bad People telling them things they know nothing of, and w^h I beleive has never been thought of. I am endeavouring to find out the Persons. I did last Summer punish two Dutch men, for spreading wicked reports among the Indians, and cost me much trouble to convince them of the falsity of them. The dread of haveing their Lands snatched from them, as they call it, without the consent & knowledge of the whole, is, by what I can see, the greatest trouble, and uneasiness they labour under & that, I took a great deal of pains four days ago at their Village, to convince them would not be allowed by the King, nor his Governour. but Ury Klocks reporting among his Neighbours that he had bought of the Livingston Family, that Pattent, which includes their Castle, and planting Lands and which occasioned so much disturbance this time past, added new fuel to the fire, In all my life I never saw People so enraged as they were at it, when they came to inform me of it at my Quarters, and to know whether I knew anything of it. on my telling them I had heard something

of it, & had reason to think it was so, they said, it was such treatment as they could not expect, as a return for the tenderness & severall Services they had from the first Settlement of the Country by White People shown & done them and for their firm attachment to his Majestys Interest, by which they had lost the most & best of their Men, and were ready to Sacrifice the remainder in his cause, had it been necessary & concluded it was better for them all to dye at once, than to live in misery, & at last starve, which they foresaw was to be their fate. I desired they would be patient until I enquired into the affair fully and told them likewise that I expected soon to hear from Home about that, and other Matters, in consequence of what was sent by them to his Majesty some time ago, wherein I did not doubt there would be proper Steps taken. this quieted them a little, but I fear if they are not done Justice to soon, and their greivances redressed, it may turn out a more serious affair than we are apprehensive of. I shall do what I can to reconcile them, and see Justice done, but will want your Assistance; in y^e first place, I would be glad to know from You the true state of that affair, or Pattent of Livingston, and y^r opinion how I may act most properly therein.—when anything new concerning these Matters occurs, I shall take the liberty to trouble you with it.—If there be a new Commission of the Peace &ca to be made out in consequence of the Kings Death, I must beg leave to observe, that there are Severall Europeans in Albany, Schenectady and other parts of this County, verry well qualified every way for Comms^s & I do assure you Sir there never was anything more wanted than a change as there is no Justice to be expected by any Englishman in this County, nor never will, whilst the Bench of Judges & Justices is composed entirely of Dutch, who pride themselves in the appellation, which alone, in my opinion should render them odious to every Britton. I could give you Sir, numberless Instances, supported by incontestable Facts, of the partiality, cruelty and oppression of those in authority here, who call themselves Dutch,

but as their Characters must be well known to You, from so long a Residence in the Country, I will not intrude on your patience with a detail of them, but conclude with desireing your excuse for takeing up already so much of y^r time, and allow me to assure you, that I am most sincerely & respectfully

Dear Sir

Your most obedient & most Humble Servant

W^m JOHNSON

The Honourable
CADWALLEDER COLDEN, President

From Gen. Jeffery Amherst

NEW YORK Sunday 15th March 1761

Sir

I have this moment received the favor of your Letter of this day's date, in relation to the Packets you have received for the several Governors, which as you are pleased to ask my advice in, I should think the Dispatches for S^o & N^o Carolina would be best conveyed by the Greyhound Man of War, those for Maryland & Virginia may be sent by the Post to Philadelphia, to be forwarded from thence by Express, and as it has been customary, to forward the Packets for the northern Governors, on the similar occasion, by express, I imagine, you may think it best to pursue the usual method, at this present time—I am with great truth and Esteem

Dear Sir

Your most obedient Humble Servant

JEFF. AMHERST

Honorable M^r President COLDEN

From Gen. Jeffery Amherst

[Fragment of a Letter]

[March 15th 1761.]

Compensation to the Provinces, for the Expences they may be at on this Occasion, according as their respective

Vigor, & Strenuous Efforts shall Justly appear to Merit. I must therefore, as this Aid of Troops will be immediately wanted, Most Seriously recommend it to You, to obtain them from the Assembly without loss of time, & hold them in readiness to March, Wheresoever I may have occasion for them, upon the first Notice You shall receive from Me for that purpose.

I have it also in Command from His Majesty to Enjoin You to Collect, and Cause to be put into proper Condition all the Serviceable Arms that can be found within Your Province; for every One of which that shall be brought to the field, & shall not return by reason of being Spoiled or lost in Actual Service I shall pay the usuall allowance of Twenty five Shillings per Firelock.

As it is very Essential to the Services I have in Command from the King, that I should be, as Early as possible, informed of the Resolves of Your Assembly on this head, and of the time that the Troops will be ready; I beg that as soon as You are Acquainted therewith, You will Signify the same to me, that I may regulate Myself Accordingly.

I am, with great Regard,

Sir,

Your most obedient Humble Servant.

JEFF: AMHERST.

[Indorsed]

Letter from Gen^l. AMHERST referring to the Circular Letter relative to the Operations of the Campaign and desiring that the Men to be raised may be ready as early as possible.

18 March, Read in Council.

From Dr. Robert Whytt

EDINBURGH March 17th 1761

Sir

Yours of the 15th of April 1760 Came to my hand in *July* or *August*; and I wrote you pretty fully in Answer to it in October last, by one Capt: *Dow* of the Royal American Regiment, who left this place in November, & after going to London was to take a ship for New York.

As Captain *Dow* Said he knew you & promised to Deliver my Letter to you, I hope you have received it before this time.

Your Letter of *July* the 14th 1760, I only received about twenty days ago, Since which, I have again talk'd with our Professor of Mathematics M^r Stuart, and wanted he should have given me in writing his thoughts on the motion of a planet, round the sun upon Sir *Isaac Newton's* principles, and upon your remarks; but this he declined to do, and said that he had in a few pages, cleared that matter, in a Book intituled *Tracts Mathematical and Physical*, which is Just now in the press & will be published by the month of July next.

Altho we know many things relating to Fermentation & putrefaction & the effervescences of different Substances yet we are greatly in the dark when we push our inquiries deep into these matters & attempt to run up to their first Cause. At present we See, as it were, only y^e Surface of Nature, and are unable to penetrate into her first movements and many of her Secret workings.

How far a proper knowledge of the Electrical fluid may Contribute to a further knowledge of Fermentation of all kinds I cannot take upon me to say, not having made this matter my particular study.

I am much obliged to D^r Middleton for the two Cases w^{ch} by your means, he Sent me, be so good as to return him my hearty thanks and best Compliments, and tell him he will do me a great favour by communicating to me anything Curious in the Medical way; whatever he Sends me I shall Communicate to our Society here, who will receive it, I dare Say with approbation. The two cases already Sent by D^r Middleton, I shall lay before the Society at their first Meeting. The Case on the *Empyema* is valuable on account of a particular circumstance, viz. that it is the Clearest proof of the Sensibility of the *Pleura* in a man, that I have any where met with, & is Sufficient alone, to refute all *Haller's* Experiments on Dogs.

By a letter which I lately Saw from *Van Swieten*, he

says the *Extract: Cicutæ* Continues to keep its character at *Vienna* & that *D^r Storck* is about to publish a second pamphlet containing more Cures wrought by it. He says they Sometimes have given it to the quantity of two or three drams a day. Nevertheless I am Sure many people cannot bear $\frac{1}{3}$ of the quantity, for fifteen grains of it has affected me with a weakness in my eyes, dim sight, Giddiness & a paralytic debility of my Legs and arms, w^{ch} Symptoms went off in a little more than an hours time *Van Swieten* writes that the Last volume of his Comment on *Boerhaaves* Aphorisms will be published in April next.

Since I wrote you last, we have lost Doctor *Alston* our Professor of Botany. From being in perfect health he was taken at once, with a total loss of Memory, Judgment & reason, so that he neither knew any body, nor what they Said; yet he retained the power of all his muscles, & could Swallow or walk, & even Speak, but incoherently. After 24 hours he lost the power of Swallowing, then became Comatous & died in less than three days from the time he was first Seized.

I am with particular esteem

Sir

Your Most humble and most obedient Servant

ROBERT WHYTT

P.S. *D^r Porterfield* received a letter from you in October & wrote to you in November I hope his answer has [reach]ed you before this time.

From Sir William Johnson

Dear Sir

FORT JOHNSON 19th March 1761

Your kind favour of the 7th Curr^t I had yesterday the pleasure of receiving, and am extremely glad to find thereby that you are resolved to allow of no purchases of Land, but such as are openly & fairly made of the Indians; there certainly is nothing will continue them firmer in their attachment to the Brittish Interest or make them

live in stricter freindship with their Neighbours the White People than that, and I shall take the first opertunity of acquainting all the Indians of both Mohawk Castles, Scohare, & Oneida (as they are the People who generally sell Land) of your resolution to see Justice done them, and redress any injuries they may have suffered with regard to Land. You may be assured Sir they shall not trouble you with any complaints (while I have the care of them) that are not well founded.

M^r Livingstons giveing Klock only a Quit claim, carries with it a bad look, and shews he did not think his Title good. I am almost certain it is not, from what I have heard old David Schyler say about it, who is one of the Partners, and many more who know a good deal of the affair.—The People liveing on Said Land, have for these Several years past, paid their Rent to the Indians uninterruptedly, and they say they will pay it to no other, until it appears to them clearly that the Indians have no right to it, & indeed I cant see they are to blame. Should it come to a Law suit, I think the power would defray the expence, but I should rather imagine that the affair from a proper representation, ought to be determined at Home. I am much oblinded to you Sir, for the regard you are so good to say you will pay to my recommendation in the choice of proper officers, should a new Commission Issue dureing your Administration; let me assure You that nothing would give me greater pleasure than a continuation of it in your hands, or induce me to trouble You, or myself in the choice of Civil officers, but the great necessity there is for it in this part of y^e Country, where realy an Englishman stands not the least chance of haveing Justice done him, should his opponent be a Dutchman, which is generally the case, this is so notorious that (were it requisite) numberless Instances could be given to prove what I say. I need not tell you, that I have no connections here, and I dare say no Man could ever charge me with doing a wrong thing out of Nationality, wherefore flatter myself you will attribute my desire of a change (whenever it may happen) to the

cause already given, as well as to y^e Superior qualifications of some People now liveing in this part of y^e Country.

As to M^r. Hartwicks affair, or purchase of Land (it being severall years ago) I really do not remember the particulars, but I know I stood his freind at the time with the Indians, and I think made a bargain with them for him, for one Tract, at which time he passed a Bond or note to them for a Sum of Money, which lyes yet (if I be not mistaken) among my Papers, but for how much I know not, whenever he has a mind to finish that affair, with the Indians, I will assist him, and see that they do what is right.

I had a letter some days ago from M^r Lappius Minister to a Number of People liveing on the south side of the Mohawk River near to Conajohare, also a Petition from his Congregation begging I would write to you for liberty for them to build a Church, being for these several years past oblidged to meet in Barns &ca. they are in Number ab^t 600 Souls Old and Young, it is really shocking to see no Churches in so great an extent of Country, where People who profess Christianity Inhabit. If you approve of it, I shall be glad to have it in my power to acquaint them of it, as it is so earnestly requested.

The Mohawks of the lower Castle all met at my House last Sunday, and made a verry long Haraunge on the want of a Minister, & murmured greatly at the former Ministers leaving them after acquireing enough of their language to read the Service to them. They then in the most earnest manner begged I would write Home their request of haveing a Minister allowed intirely for them & the Conajohares. They at the same time pressed me greatly to acquaint you of their desire that M^r Barclay might be allowed the expences he was at, building a House on the Land they gave him formerly, so as it may ever remain a glebe for the use of a Minister who serves them. I beleive M^r Barclay did formerly offer and I dare say would now give up his right to s^d Land for so good a purpose, on that condⁿ. I heartily wish Sir, it could be

settled so, as it would make the Indians verry Happy in their mind & be the means of civilizeing them. By this post, I have wrote to M^r Banyiar, and desired him to present you a Petition in behalf of myself & thirty Nine Inhabitants of the Mohawks Country, for a Lycence for a Tract of Land near Conajohare, on the North Side of the Mohawks River. The Indians of that Castle, did last December send for me, and in a full meeting of all their People Old & Young, & in the presence of a Justice & Interpreter make me and my Associates (for certain considerations) a gift of said Tract, and executed a proper Deed of Gift for the same with unanimous consent & likeing. I am sensible it is not agreeable to the present method of purchasing Lands, yet, as I before observed, as it was the unanimous Act of the whole, (w^h I look upon to be the cheif thing intended by his Majesty's Instructions in y^e purchase of Lands) I hope it will be allowed, and a Lycence granted me & Company, so that I may have it Surveyed as soon in the Spring as possible. It appeared extremely odd to me, when I heard, that after it was known, that the Indians had made me such a Deed of gift, that some Gentlemen at New York did notwithstanding, petition for Lycence to purchase y^e same Tract. This, I must say was not acting generous. However, I am certain the Indians will never be got to Sell it to others for any consideration after giveing it to Us in so Solemn & formal a Manner as never was before known in any case. & I flatter myself, that, (for a mistake in the form or manner of our proceeding in this Affair as long as the Indians are all satisfied, & well contented) you and the gentlemen of the Council will not make any difficulty in granting our Petition, especially as we are determined to Settle a Number of People on the Land directly. I hope you will be good enough to excuse my trespassing so much on your patience and beleive me with the greatest respect,

Dear Sir

Your most obedient & most Humble Servant

The Hon^{ble} CADWALLADER COLDEN Esq^r.
President

W^m JOHNSON

From Gen. Jeffery Amherst

NEW YORK, 21st March 1761

Sir,

WHEREAS Sloops and other Vessells as well as Carriages are frequently wanted to Transport Troops and stores for the Kings Service to the City of Albany and the Jerseys; and that frequent Difficulties have arisen in obtaining the same, so immediately as was requisite; I must beg the favor of You to Grant to Lieut. Colonel Robertson Dep: Q^r M^r General in this District, a Warrant, authorizing him from time to time, as they shall be wanted, to Impress any Sloops, Vessells, or Carriages into His Majesty's Service for the purpose aforesaid, he paying the Usual freight or hire for the same; And you may be Assured that this authority shall not be misapplied, but only made Use of, where the Exigencies of the Service shall Make it Necessary.

I am, with great regard,

Sir,

Your most obedient Humble Servant

JEFF. AMHERST

Hon^{ble} Mr. President COLDEN.

From Gov. Francis Bernard

BOSTON. Mar. 21, 1761

S^r

I am favoured with yours of the 15th & am obliged to you for the notice you give me of the Tamar's being to return in 3 weeks. I shall get my letters ready, so as to send to New York the week after next; which I hope will be time enough, as I have dispatches of consequence to Send that I can't trust to an unarmed Ship. I must desire you to inform the Captain of the Tamar, that He will have my packet on or before the 5th of April. I am, with great regard.

S^r Your most obedient humble Servant

FRA. BERNARD

The Honble CADW. COLDEN Esq

From Gov. Benning Wentworth

PORTSMOUTH [N. H.] March 23^d 1761

Sir

I return you my thanks for dispatching my public letter recieved by the Tamer, and shall be glad of returning the favour. I am hoping his Majestys resolution to Carry on the war in North America, which must be known to the Court of France, may be a means to bring the French King to terms of peace, & thereby prevent the Intended Levies in the Provinces. I am with great truth & Esteem

Sir

Your Honors Most obedient & humble Servant

B. WENTWORTH

The Hon^{ble} CADWALLADER COLDEN Esq^r

From Gen. Jeffery Amherst

NEW YORK 25th March 1761.

Sir,

Colonel Corsa has this moment put into my hands Your favor of this Day, in relation to the billeting money due to the New York Forces for last Campaign, & which has been stopped by the Dep: Q^r M^r General to make good the Arms that have not been returned by those Men.

I must hereupon beg leave to Observe to You, that the Number of the Kings Arms which were heretofore lost by the Provincial Troops, made it necessary, in Order to put a timely stop thereto, to Issue an order that all the Arms delivered out of the King's Stores, unless proved to have been lost in Actual Service, should at the End of the Campaign be forthcoming, and in Default thereof that the Officers Commanding Corps should be Answerable for the same: Notwithstanding this, all the Provincials in General Missed Several at the end of the Campaign but None More so, than the Yorkers, who

suffered the Men to Carry away their Arms, in so Much that I was Obliged to post Centinels at the Several Outlets to Stop & take them away, and indeed without this there would be Many More wanting. To remedy this Evil for the future I was obliged to Cause My Orders to be put into Execution, and in Consequence thereof, I Directed the Dep: Q^r M^r Gen^l to stop the Amount of those Missing Arms out of the Billetting Money which was to be paid so soon as those Arms were restored; It has accordingly been Stopped, and there is no receding from it in favor of the Province of New York, without evident partiality, at which all the other Provinces would with Justice take Umbrage unless they shared in the favor, the result of which would be that His Majesty's Ordnance would Soon be without a Single firelock.

With regard to the method You propose of finding out and recovering those Missing Arms, I can have No Manner of Objection to it, but it Must be a Deed of Your own, in which You will be not only Justifiable but You are Invited to, by M^r Secretary Pitt's Letter wherein he Desires that You would Collect, and Cause to be put in repair, all the Arms that can be found within the Province.

L^t Colonel Robertson is the Dep: Q^r M^r General who has made these stoppages, and as You may be Desirous of having Some further Information from him on that head, I shall Direct him to wait on You.

I am, with great Regard

Sir,

Your most obedient Humble Servant

JEFF: AMHERST.

Hon^{ble} M^r. President COLDEN.

From Gen. Jeffery Amherst

NEW YORK, 28th March 1761.

Sir,

I am to Own the receipt of Your favor of Yesterday, with the Resolves of the Assembly; I am at the same

time to Express My Surprise at not finding it Conformable to His Majesty's Requisition; M^r Secretary Pitt has Urged the Necessity of raising two Thirds of the Number of Men the Provinces voted last Year so Strongly that I am at a loss how to account for the Assemblys diminishing that Number and proposing only Fourteen Hundred.—So much depends on their resuming this business & granting the full Numbers Demanded, that I must beg of You to Summon them to a Compliance; I am Sure that from the past Zeal of this Province, they would be Sorry to be Accessory to any failure of the Intended Operations, & how can they be properly Carried on, if the Force Should not prove adequate to them, which Must be the Case if Your Assembly does not alter their Resolves, since from them, the rest of the Provinces will doubtless take Example, & Claim them as their precedent, for not obeying the King's Commands; A Reproach I am certain they would blush to merit; I trust therefore that they will Recollect themselves, & that they will not only vote the Numbers requested by the Secretary of State's Letter but that they will Enforce the Means of raising those Men.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant,

JEFF. AMHERST

Hon^{ble} M^r President COLDEN.

From Gen. Jeffery Amherst

NEW YORK, 3^d April 1761.

Sir,

At the same time that it gives me pleasure to know that the Assembly has at last agreed to make provision for Levying & paying Two Thirds of the Men that were raised last Year; it gives me concern that they have not Yielded to what was further required of them; their refusing to put in the Clause of Impress, & Limitting the

Service of their Levies to the 1st of November, are both likely to be attended with great Inconveniences to the Service; and yet I am persuaded that Nothing has been left undone by You to remove the one and the other; this same Zeal makes me flatter Myself that when You meet them again at the time appointed, You will be more successfull, and be able to prevail on them to agree to the Clause of Impress, and to Lengthen the time of Service.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant.

JEFF. AMHERST

Hon^{ble} M^r President COLDEN.

From Board of Trade

[Copy]

WHITEHALL [LONDON] April 14th 1761.

Sir,

I am directed by the Lords Commissioners for Trade and Plantations to send You the inclosed Copy of a Petition presented to their Lordships by M^r John de Noyelles, late one of the Fifty Foreign Officers which engaged in His Majesty's Service in North America, under the Authority and upon the encouragement of the Act of Parliament of the 25th of His late Majesty.

As these Gentlemen did in the most generous manner engage their Lives and Fortunes in His Majesty's Service, their Lordships think they were justly entituled to the Countenance, Protection and Support of Government, in every part of His Majesty's Dominions; it was therefore a great concern to them to receive a Complaint of such a Nature as that contained in M^r de Noyelles's Petition.

It is not their Lordships intention at present to give any Opinion upon the propriety or impropriety of the practice which has long prevailed in the Province of New York of Naturalizing persons by Act of the Legislature there, but as they apprehend that such Naturalization

has seldom or ever been refused to any persons upon a proper application, their Lordships are at a loss to guess at, and it is their duty to desire to be informed of the motives which induced the Council to reject the Bill, which M^r De Noyelles alleges had passed the house of Representatives for his Naturalization.

Their Lordships are unwilling to believe that the Councils Rejecting the Bill could have been founded upon such motives as M^r de Noyelles suggests in his Petition; but whatever the Causes were that produced the effect, the situation of the Petitioner, under the Circumstances he Mentions, appears to their Lordships to be attended with great hardship, and to claim every relief which it is in the power of Government to afford him, and as their Lordships observe that Letters of Denization have heretofore been frequently granted upon particular occasions by Governors of the Plantations, they see no cause why this power may not be properly exercised by you in the case of M^r de Noyelles, provided it be done consistent with those regulations and under those restrictions which are prescribed in an Order of Council made in the Year 1699, with respect to Letters of Denization in the Colonies, a Copy of which Order I am directed to inclose to you. I am with great regard,

Sir,

Your most Obedient and most Humble Servant

JOHN POWNALL

Secry.

CADWALLADER COLDEN Esq^r

[Indorsed]

Letter from B^d of Trade
respecting John DE NOYELLES

Cadwallader Colden's Commission as Lieut.-Governor

George R

[April 14, 1761]

GEORGE the Third, by the Grace of God, of Great Britain France and Ireland, King Defender of the Faith &c^a To Our Trusty and Well beloved Cadwallader Colden Esquire GREETING. WE, reposing especial

Trust and Confidence in your Loyalty, Integrity and Ability, do by these Presents constitute and appoint you to be Our Lieutenant Governor of Our Province of New York and the Territories depending thereon in America, in the room of James Delancey Esquire deceased. To have, hold, exercise and enjoy the said Place and Office during Our Pleasure, with all Rights, Privileges, Profits, Perquisites and Advantages to the same belonging or appertaining. And We do hereby authorize & require you to exercise and perform all and singular the Powers and Authorities contained in the Commission and Instructions given by His late Majesty Our Royal Grand father, to Sir Charles Hardy Baronet late Captain General and Governor in Chief of our said Province, untill the Arrival there of such Person as We shall appoint to be Our Captain General and Governor in Chief of Our said Province and the Territories depending thereon. And further, in case of the Death or Absence of such Captain General and Governor in chief, so to be appointed by Us, now & for the time being, We do hereby authorize you and require you, to exercise and perform all and singular the Powers & Authorities contained in Our Commission to such Captain General & Governor in Chief, according to such Instructions as he shall have received from Us, and such further Orders and Instructions as he or you shall or may hereafter receive from Us. And We do hereby command all & singular Our Officers, Ministers & loving Subjects in our said Province, and all others whom it may concern, to take due Notice hereof, and to give their ready Obedience accordingly. Given at Our Court at St James's the fourteenth Day of April 1761 in the first Year of Our Reign.

By His Majesty's Command

W. PITT

CADWALLADER COLDEN Esquire
to be Lieu^t Gov^r of New York

Secretary's Office New York 10 August 1761 Recorded
In this Office in Lib. Letters Patent under the Broad Seal
of Great Britain.

GW. BANYAR D. Secttry

*From Board of Trade*WHITEHALL [LONDON] April 28th 1761.

Sir,

His Majesty having been graciously pleased by Commission under the Great Seal of Great Britain to constitute and appoint Us His Commissioners for promoting the Trade of this Kingdom, and for inspecting and improving His Majesty's foreign Colonies and Plantations, It is Our Duty to acquaint you therewith, and to desire that you will, from time to time, give us frequent and very full information of the State and Condition of the Province, under your Government, as well in respect to the administration of Government and Justice, as to the Trade and Commerce thereof; and that you will also regularly and punctually send us the several Papers required by His Majesty's Instructions to you to be transmitted and to the end that We may be the better enabled to form a true Judgment of the present State of the Province under your Government, We must desire your speedy Answer to the several heads of Enquiry herewith transmitted to you, and that you will every Six Months make a return thereto, that we may be from time to time apprized of any alterations which may happen in the Circumstances of the Province.

We are,

Sir,

Your most obedient humble Servants,

SANDYS

SOAM JENYNS

ED: BACON

EDMOND THOMAS

GEO: RICE

[Indorsed]

Letter from Board of Trade

Cadwallader Colden to Gov. Thomas Boone

[Copy]

NEW YORK 4 May 1761

Sir

The Merchants of this City, having in their late Losses, severely felt the want of a Light House at Sandy Hook, presented a Memorial to me on the Subject, which by the Advice of his Majesty's Council, I laid before the Assembly, that they might make Provision for a suitable Edifice with its proper Conveniences. They very readily came into the Measure and I have now the Pleasure to inclose you Copies of their Resolutions with the Memorial and my Message accompanying it.

As the Soil most proper in point of Situation lies within the Limits of New Jersey, I had not thought of urging the Matter, ere I imparted it to your Excellency, but the Difficulties which have hitherto attended the Attempt in our own Province, where it has been formerly debated, laid me under the Necessity of consulting their Sentiments before I suggested the Design to your Government.

Unfortunately the Resolutions of our Assembly came too late to be communicated before the Recess of yours, and my own Indisposition having till very lately, prevented me from attending to it, I hope you will find means to avert the ill Consequences of any Delay, by prevailing with M^r Hartshorne to accept of a reasonable Consideration for the spott of Land. But if, on the contrary he shall insist on a Sum which you shall think Exorbitant, I must agreeable to the sense of the Government, desire you will be pleased to recommend it to the Branches of the Legislature to interpose their authority, in order to enforce a Compliance with what seems so just and equitable in itself.

The Interest of both Provinces is so nearly connected with the proposed undertaking, that I persuade my self they will do every thing to remove all Obstacles to its

Success and that you will co-operate with me in your Endeavours to Effect as speedily as possible a Work so highly necessary and which must be so extensive in its good Consequences.

His Excellency Governor Boone

[Indorsed]

From L^t Gov^r COLDEN to Governor BOONE
on the Subject of a Light House [at Sandy Hook]

From Commissioners of Customs

[May 5th 1761]

Sir

Having by the Inclosed to M^r Temple Surveyor General of the Northern part of the Continent of America acquainted him that We have Pursuant to a Warrant from the Treasury issued our Deputation to Lambert Moore Esquire to be Comptroller of the Customs at New York We desire the favor of You in case of M^r Temple's absence to Admit M^r Moore to his duty on his executing the Bond inclosed in the Letter to the Surveyor General and taking the Oaths enjoined by Law and grant him a Certificate thereof to be transmitted to Us. We are

Sir

Your Excellency's most Obedient
humble Servants

EDW^d HOOPER

B. HOTHAM

S. MEAD

H. PELHAM

Custom House London

5th May 1761

His Excellency the Governor of
New York

[Indorsed]

Commiss^{rs} of the Custom
LAMBERT MOORE Esq qualified & admitted Aug 26th 1761

From Peter Collinson to David Colden

Lond [on], May 7: 1761

I have the pleasure to tell my obliging Frd David Colden that his Seeds are Comeing Up—If a Retirement into the Country should give you Leisure Such another Cargo will be very Acceptable.

Your Letter with your Electrical Papers & your Good Fathers principia I Deliver'd to M^r Cation—in 3 or 4 Weeks He return'd them to Mee & gave Mee expectation He would write to you but He told Mee He could not verifie your Experiments—because He could not understand your Fathers principles

I can only add that I am your obliged Fr^d

P. COLLINSON

[Indorsed]

For
M^r DAVID COLDEN
in New York
COLLINSON

*From Gov. Thomas Boone*P[erth] Amboy [N. J.] May 11th 1761

Sir

I Received the favour of yours relative to M^r Harts-horne & Immediately wrote to him on the Subject of your letter, Since which I have not heard from him; I have now in my turn a favour to Request of you; Intelligence has been given me that a Vessell in this harbour has broke Bulk & put several Casks of Spirits on board a Boat Vaudrile Master, which Commodities & Vessels I am informed are Seized in your Province, this & other Circumstances, have induced me to make Inquiry, to Cause Examinations to be taken of the Master & Mate, & to put an officer on Board the Vessell, & I must Request of you in order to Procure the fullest light into this transaction where the Crown is so materially Concerned, where the fair trader is so seriously preju-

diced, to Examine in Council the said Vaudrile, or if your Health is not Sufficiently Established to Cause him to be Examined, and an Authentick Copy of his Examination to be transmitted me & you will very much oblige

Sir Your most Obed^t & most Humb^{le} Servant

THO: BOONE

P.S. The original Examination will be most Acceptable, especially as you can have no use for it.

[Indorsed]
Gov^r BOONE's Letter

From Sir William Johnson

FORT JOHNSON May 12th 1761.

Dear Sir

It gives me great satisfaction to hear by my Brothers letter that you have recovered from your late indisposition. I therefore could not omit the first opportunity of congratulating you thereon, and wishing you a continuance of health and prosperity.

Your kind offer in a former letter of favouring my recommendation in case of any civil vacancies in this Province, I shall allways esteem as a proof of the sincerest friendship, and, at present encourages me to represent to you, that as the vacancy of a Sherrieff for the City, & County of Albany must shortly happen, from the languishing state of M^r Vanschaack, I beg leave, (if that place is not allready promised) to recommend the bearer Capt. Ferrall to your consideration, a Man of a good character, and estimation in Albany, and in whose integrity you may safely confide, for a faithfull and upright discharge of his duty in that station. If he has the good fortune to be approved of and succeed to that employment, I shall esteem it as a particular favour done me.

I troubled you sometime since with a Letter concerning some Land which I was about taking up, & which I presume your late indisposition prevented you from

answering, but as you are now so happily recovered I hope shortly to be favoured with your thoughts thereon

I am with the greatest respect, & sincerity

Sir

Your most obedient & most Humble
Servant

W^m. JOHNSON

The Honourable CADWALLADER COLDEN Esq^r

From Dr. Robert Whytt

EDINBURGH May 14th 1761

Sir

In October last, I wrote you fully in answer to two letters, which you did me the honour to Send me before that time. Captain Dow of the Royal Americans was entrusted with this letter which I dare Say you have got before this time.

In the Beginning of March I was favored with yours Inclosing two Cases from D^r Middleton of New York, and wrote you in Answer to it by a young Gentleman, who was going to Maryland, and promised to put my letter to you into the Post Office of Philadelphia.

In this last letter I acquainted you with the Death of D^r Alston; in whose place there is lately appointed one D^r John Hope a Physician of this place who has had from his youth a turn for Botany. Doctor Hope would think himself great obliged to you if [you] would be so good as to furnish him with Such of your American Seeds, as are least Common in Scotland; and is to presume so far, as to write you on this Subject.

I have lately perused an Answer, by D^r Haller, to my observations on ye Sensibility and Irritability of y^e parts of animals. This piece is contained in a 4th Vol: which Haller has Collected on this Subject, & in which he has given a general answer to the other writers against him. In these two pieces Haller has lost all temper, abuses almost every one who has wrote against him, and is

Guilty of many gross misrepresentations and much Cavilling. I have drawn up a short answer to him Containing a review of the principal points in debate between us, which I shall publish soon as an appendix to my observations on Sensibility &c. This Appendix I shall Send you a copy of Towards the Autumn. I have used the freedom to Insert in it, a paragraph of your Letter to me dated April 15th 1750, Concerning the different manner in which the Soul may be Supposed to perceive or to act in the *Sensorium*, and in the nerves or parts, when their Communication with the Common *Sensorium* is Cut off.

I am with real regard

Sir

Your most humble and obedient Servant

ROBERT WHYTT

P.S. I hope our Philosophical Society here will be thinking of publishing a 3^d vol: before next year at this time

King's Orders in Council

AT THE COURT AT S^r. JAMES'S

the 15th day of May 1761

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT	VISCOUNT FALMOUTH
LORD PRIVY SEAL	VISCOUNT BARRINGTON
DUKE OF RUTLAND	LORD BERKELEY OF STRATTON
LORD STEWARD	M ^r VICE CHAMBERLAIN
EARL OF SHAFTSBURY	SIR JOHN RUSHOUT
EARL OF CHOLMONDELEY	CHARLES TOWNSHEND, Esq ^r ,
EARL OF BATH	ROBERT NUGENT, Esq ^r ,
EARL CORNWALLIS	SIR FRANCIS DASHWOOD
EARL OF THOMOND	

WHEREAS there was this Day laid before His Majesty at this Board, an Order made by His late Majesty in

Council, bearing date the 11th day of March 1752, containing several Rules and Regulations relating to His Majesty's Colonies and Plantations in America, particularly with respect to the Nomination of Governors, Lieutenant Governors, & other Officers and Magistrates, by the Lords Commissioners of Trade and Plantations, and likewise to the Correspondence to be carried on between the said Lords Commissioners and the Governors of the said Colonies and Plantations respectively:—His Majesty taking the aforementioned Order into His Consideration, is hereby pleased, with the Advice of His Privy Council, to revoke and Repeal the same in every part, except that which relates to the Correspondence to be carried on between the Lords Commissioners for Trade & Plantations, and the Governors of His Majesty's Colonies, which is still to be carried on in the same manner prescribed by the Additional Instruction, which was directed by the above Order in Council of His late Majesty of 11th of March 1752 to be prepared and sent to the Governors of all His Majesty's Colonies and Plantations respectively. And His Majesty doth hereby signify His further pleasure, that the Lords Commissioners for Trade & Plantations do Cause a Copy of this Order to be entered upon the Books of the Plantation Office; And that one of His Majesty's Principal Secretaries of State do cause Copies thereof to be sent to the Governors of His Majesty's Colonies and Plantations in America, to the End that all Persons concern'd, may govern themselves accordingly

W. BLAIR

[Indorsed]
Order of Council

From Robert Wood

WHITEHALL [LONDON] 28 May 1761

Sir

I am directed by M^r Secretary Pitt, to transmit to you the inclosed Copy of an Order of Council of the 15th

Inst^t for your Information, and in order that you **may** govern yourself accordingly.

I am,

Sir

Your most Obedient humble Servant

ROB^t WOOD

Gov^r of New York

From Gov. Thomas Boone

Sir P[ERTH] AMBOY [N. J.] June 3^d 1761

I before acquainted you of my having wrote to M^r Hartshorne, agreeable to your Request; this morning only I received his Answer a Copy of which as well as of my letter to him I now Enclose you: If upon a Perusal of it you should think an application to the Assembly of this Government adviseable to obtain your purposes you may depend on my assistance, but to me a private Contract seems most Preferable, and even practicable, for I much doubt whether our Representatives, having little or no Concern in trade will Interpose to deprive one of their Country men that they are partial to, of property he is averse to parting with, in favour of a Province whose flourishing trade they may be Jealous of. I am Sir with great Regard Your Honour's

Most Obed^t Hum^{ble} Serv^t

THO: BOONE

From Gov. William Bull

Sir CHARLESTOWN [S. C.] June 6, 1761.

I have deferred writing to you for some time in hopes of sending you some agreeable news concerning the Operations and Success of our Army against the Cherokees, but their motions have been so much retarded by excessive Rains, that they could not reach Kecowee before the 27th of last month. I am now in expectation of

hearing daily from thence, but nevertheless shall not longer delay the pleasure of writing to you.

I say nothing of the destruction which our fleet received from the Impression of an Hurricane of only $1/3$ of a minute, w^{ch} is described in our Gazettes.

The Ease & Happiness which you enjoy in your Administration give me great Pleasure. I heartily wish, & if Prudence can ensure it, they will attend you to its End. I am extremely obliged to you for your kind wishes in regard to mine. The difficulties & Business I have met with in it, were sufficient Employment for a much longer Period even to one who might not like Idleness. However I cannot complain of any other Uneasiness or Anxiety in my Administration at present than what arise from the confinement & Hurry of Business, & a View of the unhappy Condition of our Province, from our Indian affairs. Tho I now comfort my self with reflecting that the Burthen will soon be taken off the Province by a Pacification if Col. Grant succeeds, or off my Shoulders by the Speedy arrival of M^r Boone, our new Governor; for it seems, M^r Pownal, whom you know, thinks it a more agreeable Task to govern a Wife than our Province tho I hope M^r Boone, whom we know, will give & receive Pleasure in his Public as well as private offices. As the mention of a fine young Lady under those circumstances, seems to raise certain gay ideas that do not suit the gravity which becomes the correspondence of Us who are of serious Character being Governors, I shall draw the curtain to conclude the Business, & assure you that I am

With great Regard

S^r

Y^r most obedient humble Serv^t

W^m BULL

To the Hon^{ble} CADWALLADER COLDEN Esq.

President & Commander in Chief &c

New York

[Indorsed]

Gov^r BULL

Answ^d July 18th

From Gen. Jeffery Amherst

ALBANY 7th June 1761

Dear Sir

I am by this day's Post favoured with your obliging Letter of the 1st Instant. the Person, you mention, to have been recommended to you, by the Mayor &ca, is personally unknown to me, as is indeed the one for whom I requested the favour, but my application proceeded, in consequence of several recommendations that have been given to me in favour of M^r Schuyler, and I can't but renew my desires to you that he may succeed, as I am certain it will greatly conduce to the general benefit of the Inhabitants of this district, and the Troops who may be quartered here.

I am much obliged to you for your kind proffers in doing what may be agreeable to me, you may be assured I shall never ask you any thing that is not intended for a publick good.

I hope this fine weather will entirely recover you from any remains of your late Illness, that I may have the pleasure of seeing you in perfect health at New York, and convincing you I am with the most perfect Esteem

Dear Sir

Your most Humble & most Obedient Servant

JEFF. AMHERST.

Hon^{ble}

M^r President COLDEN.

From Gen. Jeffery Amherst

ALBANY 11th June 1761

Sir,

I am Just now favored with Your Letter of the 8th Instant Acquainting me that Gen^l Monckton has proposed to You that Captain M^cCarty, a French Officer on his Parole from Jamaica, should be ordered to Reside at Jamaica on Long Island, which proposition I cannot but greatly Approve as I must own to You, the Negli-

gence and Carelessness, in letting French Officers and men Come into New York, from on board Privateers, & other Vessells, without any Body's knowing from whence, or what they are doing, Seems to merit Consideration, and in my Opinion, Should by no means be permitted.

As You Desire that I would put this Gentleman under the Care of One of Our Own Officers, I shall Direct Captain Wheelock to Send him immediately to Long Island to remain there untill an opportunity offers of his going to England, which he should do by the first ship that Sails; and I do not think it proper that he should be permitted to go to any other part.

If any other French Officers, or Men, Come into New York, I think they should be immediately Reported from the Vessels that bring them to You, which, if the Masters do not do, they ought to be punished for their Neglect; And Whenever any such do Come; My Opinion is they Should not be permitted to See what is doing at New York; but be obliged to remain on Long Island untill an opportunity offers of Sending them away.

Since my Arrival here, I have been Acquainted there is one *Scott*, who pretends he has been an Officer in the Prussian Service, & is now in New York; Mr Bruce Surgeon of the Artillery, will know where he Lives; This Gentleman, I think, should not be permitted to remain in New York, without giving a proper Account of himself.

I am very Sorry to Say, the tardiness of the Governments Sending the Provincial Troops here will Extremely Delay the Intended Works, that they were to Carry on. I am Confident You will Use Your best Endeavors in hastening up those of the Province of New York, which I must beg You will be pleased to do.

I Hope the Fine Weather has perfectly Established Your Health.

I am, with great Truth, and Regard,

Sir,

Your most obedient Humble Servant

JEFF. AMHERST

From Peter Collinson

LONDⁿ June 12: 1761

I have my Dear Fr^{ds} Letter of March 9th & my Friend Davids of Aprill 5th—I have Sent your Commission by Last Pacquet but think it a Cruel thing to take your Money & Turn you Out so Soone—I am an Intire Stranger to Your new Govern^r—He is of M^r Pitts appointment I have not mett with any Body that knows Him

I am glad to hear you preserve your Health & Discharge your Function with so much Satisfaction—You must compound for the Post of Honour—if you Save your Self it will be Well,—I here Inclose your Account Curr^t which I hope you will find to your Satisfaction—if any explanation is wanting that will be readily complied with

I am with my best Wishes for your preservation your Sincere Friend

P. COLLINSON

Wee hope to hear Some good News from Gen^l Amherst as to the Ballance I have Money of your Son Alexanders in my hands—so you may Setle it as you please

From Gen. Jeffery Amherst

ALBANY 14th June 1761

Dear Sir

by the Post which is this Instant arrived here, I am favoured with your Letter of 11th Instant, and it gives me great pleasure to see under your own hand, that you are so recovered, to make a Tour to West Chester, which I hope will be of advantage to your health. I am much obliged to you for the regard you have Shewn to my recommendation of M^r Schuyler, I shall be glad of every opportunity of assuring you I am with great truth Dear Sir

Your most obedient Humble Servant

JEFF. AMHERST

Hon^{ble} M^r President Colden.

From Gen. Jeffery Amherst

ALBANY, 15th June 1761.

Sir,

The Right Hon^{ble} Mr Secretary Pitt having, by his Letter of the 17th of December last, Signified to You His Majesty's Requisition of a Body of Troops to be forthwith Raised by His Provinces in North America, to be principally Employed in Securing the possession of His Majesty's Conquests there, during the Absence of such part of the Regular Troops as were to be Employed on some great and Important Enterprise, that might Reduce the Enemy to the Necessity of Accepting a Peace on Terms of Glory and Advantage to His Majesty's Crown, and Beneficial in particular to His Subjects in America.

And the Assembly of the Province over which You Preside having in Consequence of the said Requisition, Voted and Raised a Body of Troops for the Services above mentioned; but as the time Limited for their Serving, will Expire before it is possible that the Regular Forces, who are to be Employed on the Important Intended Expedition, can Return to Relieve them; and that a Small Body of Men will be absolutely necessary for the protection of the Several Forts, & Country in General, I must beg You will take the Earliest Opportunity of Moving Your Assembly to Continue in the pay of Your Province, during the Ensueing Winter, (or, if there should be a time Limited, that it may be to the First of July 1762) One Company Consisting of One Hundred & Seventy Three Men, Including a Captain & Three Subalterns; which is the proportion due from Your Province, agreeable to the Numbers required of the Several Colonies, for this Essential Service.

The Reasons for this Requisition are so Obvious, and the Advantages that will Result to the Country in General, from a Compliance therewith, so Apparent, that I am persuaded I need not Use any Arguments to Induce Your Assembly to Acquiesce thereto, being Convinced,

from the Zeal they have Shewn, on all former Occasions, for His Majesty's Honour, and the good of the Service they will chearfully Continue that due Regard they Owe to the King, which, while it must be agreeable to His Majesty, Reflects great Honour on themselves; And they may be Assured, that their Troops shall not be kept One day in the Service longer than is absolutely requisite.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant,

JEFF. AMHERST

The Hon^{ble} Mr President COLDEN.

*From Hans Joost Herchheimer and
Conrad Frank to ———*

[Copy]

[BURNETSFIELD N. Y. June 17th 1761]

Sir,

Two or three days ago, there Came down from Oneida a party of Indians about Twenty or Thirty, to have their Children Christened & Likewise to have Some of them Married, and as they went away to day, and got up as far as Franks's they shot one of Stephen Franks's Hogs just by his House; So Franks's Son Justice Went to the Indian, and asked the Indian for what he had killed his hog; then the Indian immediately offered to shoot him, and so Justice Frank & one Etigh got hold of his Gun, then he Draw'd his knife to stab him; but at last the Indian got away from them, and shot Justice Frank through his throat Dead, and the Indian went off.

So we thought proper to Acquaint Sir William of it, to know what to do in this Affair We have no More to add at presentm but we remain Sir, Your Humble Serv^{ts} at Command

HANS JOOST HERCHHEIMER Justice

CONRAD FRANK

BURNETSFIELD June 17th 1761.

From Gov. Thomas Boone

P[ERTH] AMBOY [N. J.] June 17th 1761

Sir

I write by the Bearer M^r Waag, to M^r Kennedy the Collector of your Port, to desire that the Proceedings against Vaudriles Boat & goods may be finished as soon as Possible, & as his Majesty's Service is really Concerned in this my Request, I beg the favour of you to Use your Influence with the Collector, & other Officers of the Customs for that Purpose I am Sir with great Regard Your most Obed^t

& most Hum^{ble} Serv^t

THO: BOONE

From Sir William Johnson

FORT JOHNSON 18th June 1761

Sir

I am honoured with yours of the 2^d Inst. by Captain Farrel, whom I am sorry my recommendation could not Serve, as I am certain it would be more for the good of the Service, and that of the Inhabitants of the County than either of the two You mention, He is an Honest Man, he is an Englishman, and one who would act verry impartially which was my only motive for recommending him, but as it is, we must Submit to those of greater Consequence & Interest and have things go on in the Old Dutch Channel, which I flattered myself would not have been the case now.

I cant really see why that Affair of mine concerning the Land which I have a Deed of gift for, from y^e whole Castle of Conajohare Men & Women could be attended with so much difficulty in Council, as you are pleased to observe, that you & M^r Banyar were of opinion it would. There is no fraud in it, it was the Unanimous & Voluntary Act of them All, which I beleive fulfils his Majestys Intentions, all to the want of a Lycence which I applied for, as soon as the Indians made known their resolution.

I dont think that any Person haveing a Lycence for Said Tract got, or obtained when it was known I had a Deed for it, should debar me, or retard my getting a Pattent for it, as the Indians are determined never to sell it to any one, after executing so formal & firm a Deed to me. This being the case, I dont see what it will avail them Gentlemⁿ to contend, unless they do it to give me trouble, w^h I beleive will be more their Interest to let alone.

A gentleman employed by Major Rogers & associates to attend the Survey of some Lands proposed to be laid out for them about Lake George, came to me the 16 Ins^t, and shewed me a Couple of Lycences granted to Captⁿ James Rogers, & Hazzens, for purchaseing Lands above Fort Edward on the West side of Hudsons River, on which I sent for the Cheifs of the Mohawks to come to my House, in order that I might assist this gentleman who is unacquainted with such affairs. They all came y^e next day, and after letting them know, that a Number of gentlemen, wanted to purchase such Tracts, they made answer, that until they had Justice done them with regard to some Lands they alledge, & have for a long time complained to have been defrauded of, They were unanimously resolved not to dispose of any more of their Lands, that what they had left, was rather too little for their Hunting, or Livelihood and as for the other Tract, for w^h there is a Warrant of Survey, they one and all protested against it, and desired that nothing rash might be done in it, at least until you were acquainted with what they now say, which is, that all the Lands on the West side Hudsons River, Lake George, and Lake Champlain as far as to a Rock therein called by them Rogioghne belongs to them, except what was sold, that it was so settled between their Forefathers & the Indians inhabitting the Country of Canada, w^h never was disputed by their Bretheren, or others before. that within them limits are their best hunting grounds, which they say, they cannot apprehend his Majesty would (after the many Assureances given them from time to time of his resolution to protect them & their Lands) encourage or

at any rate allow, their Lands to be now taken from them without their consent. That, if such was permitted (meaning y^e survey at Lake George or such) they could then have no further dependance on anything has been promised them heretofore, and must look upon themselves from that time, in danger of being made Slaves, and haveing their Lands taken from them at pleasure which, they added, would confirm what the French have often told the Six Nations, that should our Bretheren begin with us in that Manner, who have at the risque of every thing Joined them in the defence of their & our Country, and now thought to sett down in peace. What must our freinds the Six Nations say or think? They certainly cannot expect more favour if so much as we therefore must be in a verry uneasy Scituation. when they come to hear it. This and a great deal more too tedious now to trouble you with, was spoke by them yesterday at my House in presence of the before mentioned gentleman, who asked my opinion what was best to be done, I told him, I thought it best to prevent the Surveyor going on the ground as he intended, until he had acquainted the gentlemen concerned with what had passed, & received their Answer. He was also of the same opinion, and told me he would immediately write them. I cannot Sir consistent with the Duty I owe his Majesty, and the good of the Service, I am by him employed in avoid acquainting you, I am verry apprehensive that pressing the Indians so much to dispose of their Lands, & that in such great quantitys contrary to their inclination at present, will give them great Umbrage and alarm all the Nations, and probably produce consequences which may be verry prejudicial, to his Majestys Interest, and stop the Settling of the Country, both which, are now in a prosperous way, and may by a proper conduct towards them, be continued so. but should it unhappily fall out otherwise, I am certain it will not be in my power, nor in that of any other (without violent measures, which I beleive any man of reason would be for avoiding if possible) to bring them back to so good a state. This Sir, I Submit to

You, in whose power it is to prevent it, and doubt not in the least your doing every thing which may tend to his Majestys and the Publick good. I must beg leave to refer you to a letter I did myself the honour of writing you the 19th of March last, as there are two Articles of Said letter (one for liberty to build a Church at Conajohare the other a request of y^e Mohawks concerning the Land which M^r Barclay has & w^h they would be glad to have made a glebe, or Parsonage) I should be glad of an answer to. I am Sir with perfect Esteem

Your most obedient & most Humble Servant

W^m JOHNSON

The Hon^{ble}
CADWALLADER COLDEN Esq^r

From Gen. Jeffery Amherst

ALBANY 21st June 1761.

Sir,

The Post of this day, brings me the favor of Your Letter of the 18th Instant, by which I find You are returned from Your Tour, which I hope, will have been of benefit to Your Health.

I am obliged to You for the Steps You have taken in regard to the Frenchmen; Such Measures will Effectually prevent the Mischiefs, which Might otherwise Arise from their being too well Acquainted with the State of New York.

I am glad to find that You imagine all the New York Provincials, will be Set out by the End of this last Week; I am Convinced that Colonels Thody & Brewerton must have been of more Service in forwarding the Enlistments And Sending the Men from New York, than their presence could have been of, here.

I Enclose You a List of What have Arrived here and what has been Mustered of the Companies of this place & Schenectady; which are all sent forward to Oswego.

I Have nothing further at present to add; but to Repeat to You my thanks for the Regard You have been

pleased to shew my Recommendation of Hermanus Schuyler; I hope his behavior will prove Deserving of Your future protection to him.

I am, with great Truth & Regard,

Sir,

Your most Obedient Humble Servant.

JEFF: AMHERST

Hon^{ble} Mr President COLDEN.

[Enclosure]

List of the Men of the New York Troops Mustered at Albany

			N ^o of Men Officers Includ.
1761			
May	4 th	Capt. Waters & Burns's Companies....	194
	17 th	Captain Thody's Company	99
	25 th	Captain Gilchrist's Company.....	84
	27 th	Captain Wrights Company	93
June	3 ^d	Capt: Yates's	115
	d ^o	Capt: Deforest's	114
	d ^o	Capt. Van Veghten's	70
	12 th	Capt. Height's	93
	d ^o	Capt: Harris's	90
	13.	Capt: Clinton's	95
	d ^o	Capt: Ray's	90
	14.	Capt. Lent's	67
	d ^o	Capt. Vanderbergh's	65
		Recruited at Albany	12
			<hr/>
Total			1281
JEFF: AMHERST.			

From Gen. Jeffery Amherst

ALBANY 25th June 1761

Sir,

By the Post which has Arrived very late this Evening I have the favor of Your Letter of the 22^d Instant; Ac-

quainting me that the Council were Unanimously of Opinion, that the Assembly would Comply with the Request I had made for keeping Such a Number of Troops in pay during the Winter; but that it would be very Inconvenient to Call the Assembly together before the month of September, when they will have other business that will require them to meet.

I should be very Sorry to Request any thing of You that Might be disagreeable to the Assembly; And as I Doubt not but they will readily Consent to the Requisition, when they meet in Septem^r, I think that will be time enough.

I Have received a Letter from S^r Will^m Johnson; Acquainting me of an Affair that has happened on the Mohawk River, whereby an Inhabitant has been killed by an Indian: Sir W^m has Assured me "that he shall as "he goes up that way, Speak to the Oneidas concerning "it, and Insist on their Delivering up the murderer"; and I have answered him, "that I can't but think it "absolutely right that the Nation to whom this Indian "belongs should be Instantly Obligated to give the Murderer up, that Justice may be done, and that, had one "of the Inhabitants Committed a Murder on One of the "Indians, I should be for bringing that Inhabitant to "Justice in like Manner." Since which I have spoke to the Mayor here, & shewn him the Letter of which I Enclose You a Copy, telling him that as that Country is now Inhabited, the Civil Power should Exercise their Jurisdiction on this Occasion, that the Indian should be by no means permitted to remain without being Called to Justice.

I am, with great Truth,

Sir,

Your most obedient Humble Servant

JEFF. AMHERST

Hon^{ble} M^r President COLDEN.

From Capt. John Boyd

[25 June, 1761.]

Sir

Having an opportunity by a Vessell from Barbadoes, Bound for New York, think proper to acquaint you that I have been Cruizing since ye 12th Inst. between Sandy Hook, and y^e Capes of Virginia, without having been Able to meet with any Vessell that I could take for an Enemy: And finding by severall Tryals that my Ship don't go so well as I could wish, I Intend when a fair opportunity offers to put into Lynd Haven Bay, and New Trim, & make her as clean as I can, So that If you have any Intelligence, of any Privateers &c on y^e Coast, or can Inform me how I can by any other means be of Service In Securing, and Protecting the Trade of these Provinces; would have you by first opportunity Transmit it to me to be left at Hampton James River Virginia, or to y^e care of Y^e Lieu^t: Governour.

I see by a paper dated 8 days after I sail'd that you have the honour to be Appointed by his Majesty, L' Governour of New York, on which I beg leave most sincerely to congratulate you;

I beg you'll pay my compliments to all your Large family and all friends, I wish you health and all manner of happiness I am with very true regard

Sir

Your most Obedient and very humble Servant

JOHN BOYD

PENZANCE S 26° E' FROM SANDY HOOK

25 June 1761

To y^e Hon^{ble} President of New York

[Indorsed]

Capt Boyd's

Answered July 12th

[Answer will be found in Collections, 1876, p. 98.]

From Gen. Jeffery Amherst

ALBANY 2^d July 1761

Sir,

I have Just now the pleasure of receiving Your Letter of the 29th June.

Colonel Thodey Arrived here on the 26th & delivered me the favor of Yours of the 24th for which I am also now to Return You my thanks.

I am Sending all the Men from hence as fast as they Arrive for forwarding the Several Services as much as may be, ec.

The Number falls little short of what You Expect, as it is 1468; and I Enclose You a List of those Arrived since my last Letter, which with those I transmitted You before, makes up the Above Number

I Wish I Could Say all these Arrive at their different Stations, from their Rendezvous here; but Unaccountable as it is, Several of them Desert, tho' they Enlist Voluntarily; are provided with Every thing they can want; and are sure of receiving their pay besides when the Campaign is over.

I Have Directed the Commanding Officer to Send You a Return of those that do Desert

Sir William Johnson, whom I saw lately, did not mention any thing to me in regard to Captain Farrell; he is Set out for the Detroit; and, in his Route, will Require the Oneida Indians to give up the Person who lately Committed the Murder; I perfectly Agree with You, that if a proper Regard for the Authority of Government is not Enforced amongst the Savages, it may Encourage them to Repeat their Barbarities.

Sir William has never, at any time, given the smallest hint to me, of anything touching the Lands You mention.

It gives me great pleasure to have it under Your hand, that You are so much recovered in Your Health; I most sincerely Wish You a Continuance of it; And

shall be glad on Every Occasion to Assure You I am,
with great Truth & Regard,

Sir,

Your most Obedient Humble Servant

JEFF. AMHERST.

Hon^{ble} Mr President COLDEN.

[Enclosure]

List of the New York Troops mustered at Albany, and
Sent forward to Oswego, since the 21st June 1761

		<i>No. of men officers Included</i>
1761.		
June 25 th	Captain Dunbar's Company	63
26 th	Captain Griffin's Ditto	47
D ^o	Captain Platt's Ditto	60
29 th	Lieut. Welsh's party of sundry Comp ^{ys} ..	17
		<hr/> 187

From Commodore Sir James Douglas

DUBLIN S^r JOHNS ROAD
ANTIGUA the 7th July 1761

Sir

By his Majesty's Ship Dublin I take the opportunity of acquainting you that I have Order'd her to Hallifax to Carreen and refitt again for the Sea with all possible Expedition, and to be ready to proceed again to the West Indies by the Middle *or at farthest* the latter end of September, and as the Vessells from North America have been particularly unfortunate in falling into the hands of the Enemy to the great detriment of the Colonies, I am to desire your Excellency will be pleas'd to give timely notice to the Trade at the different Ports within the Limits of your Government, that if they proceed to Hallifax, by the time before mentioned, Captain Gascoigne of the Dublin will take them under his Care and

Protection and give them safe Convoy to the Island of Barbadoes, and I shall order one of his Majesty's Ships to see them in Safely from thence to the Different Islands they may be bound to within the Limits of my Command.

I am

Sir

with great respect Your Excellencys most
Obed^t humble Serv^t

[Indorsed]
Letter from Commodore
Sir JAMES DOUGLAS

JAMES DOUGLAS

From Gov. William Bull

CHARLES TOWN [S. C.] July 8th 1761

Sir,

I embrace this opportunity of congratulating you on the late mark of His Majesty's Royal favour in appointing you Lieu^t Governor of the Province of New York.

I recommend to your Care three large Pacquets for the Lords of Trade sent to me by Governor Dobbs of North Carolina which I received after the Dolphin sailed. I beg the favour of you to forward them to Great Britain by the first Pacquet Boat or Man of War that Sails from New York.

Colonel Grant marched from Fort Prince George the 7th of June and I have had no letters from him since. The last letters I received from the Officer commanding at Fort Prince George dated 28th of June informs me that no letters had been received there from the Army since their march, but that some Chickesaws acquainted Cap^t Mackintosh that on the 11th of June Col^l Grant was attacked by the Indians at the same place where they attacked him last year. Col^l Grant drove them from their Posts, tho' with the loss of some men killed and Wounded after which untill the time the Chickesaws came away the 15th of June the Cherokees did not fire a shot at him, this Report seems to be confirmed by some Catabaws who left the Army about the same time.

I have heard nothing yet of Col^l Byrds numbers or motion. I am with great Regard

S^r

Y^r most obedient humble Servant

W^m BULL.

To the Hon^{ble} CADWALLADER COLDEN Esq^r
Lieutenant Governor &c of New York

From Gen. Jeffery Amherst

ALBANY July 12th 1761.

Dear Sir

The Post of this day has brought me the favour of your Letter of the 9th Instant, Capt: Terbush's Company arrived here on the 5th, and I enclose you a List of their numbers, which added to the List of those I sent you in my Letter of the 2^d of this month, includes the whole of the New York Troops.

I have a Letter from Lord Rollo of 3^d June from Guadalupe, though the Transports were dispersed, yet from what His Lordship writes to me, I dont doubt but he has taken possession of S^t: Dominique, as the Swiss officer reports.

it is not impossible but a Transport with some of Vaughan's may have been taken and carried into Martinique, as the Fleet was so much separated, but this accident will not impede Lord Rollo from executing the service he is sent on, and I hope will not be of any bad consequence.

I have received a Letter from S^r W^m Johnson in regard to the Indian, who has lately committed a Murder; I enclose you a Copy of S^r Williams Letter in regard to that Affair, with my answer thereto. I am with great esteem

Dear Sir

Your most Obedient Humble Servant

JEFF: AMHERST.

Hon^{ble} Mr President COLDEN.
[Enclosure]

N^o of Men Officers
Included

1761.

Albany 5 th July—Arrived and Sent forward Cap ^t Ter Bush's Comp ^y . of New Yorkers 79
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Albany, 12th July 1761.

From Gov. William Bull

CHARLES TOWN [S. C.] July 15th 1761

Sir,

This morning I received an Express from Col^l Grant of the 10th instant at Fort Prince George acquainting me that He had returned the night before to that place after a pretty fatigueing Scout of Thirty three days without Tents or baggage.

The Cherokees got together a pretty considerable Body and took post in very advantageous Ground about two Miles from the place where they attacked Col^l Montgomery last year, their Plan was well laid and their disposition such as no Officer needed to be ashamed off, but they failed in the Execution.

The attack began the 10th Ult^o about half an hour past eight in the morning, the firing pretty smart till twelve, and popping shot continued till two a Clock. Our loss was inconsiderable. Ensign Munroe of the twenty second and ten Men of the line killed. Ensign Knight of the Royal Lieu^t Barbar and Ensign Campbel of Burton's and Lieu^t Terry of the Provincials with Forty Eight men wounded.

The Army moved on about three in the Afternoon having got Litters, Horses &c^a for our wounded. The Provision was left that night at Echoe' with a Guard of One thousand men under the Command of Col^l Middleton. Col^l Grant marched with the rest of the Troops

to Nucassee, but bought experience had made the Indians so cautious that tho' it was Eighteen miles from the place of Action, every Scout had taken to the woods.

Fifteen Towns and all the Plantations which could be found in the Country have been burnt, about fourteen hundred Acres of Corn destroyed, and all the Inhabitants of the Middle Lower and Back Settlements drove into the woods and Mountains to starve, for they have nothing left but a few Horses.

Col^l Grant informs me that the Provincial Regiment has behaved well as He always expected, the Rangers have been useful and alert, they have never made difficulty and He is as much pleased with them now, as He was displeased with them when they took the field.

He intends to invite the Little Carpenter and the Great Warrior to come and treat of Peace, and to tell them that we have no inclination to extirpate the Indians, and that they may yet have Terms.

Col^l Grant will remain in that advanced Frontier at Fort Prince George till things are a little more settled, and will during that Time put that Fort into good Repair which is much wanted and leave there a years Flour in the Garrison, and as many Bullocks as they can cure, and relieve the Garrison with a fresh one.

Col^l Grant acquaints me that our Indians have behaved remarkably well the Upper Chickesaws in particular, the Lower ones went down the Country in a Scandalous manner a few days after the first Action on the 10th Ult^o

I thought it would be agreeable to you to receive an account of the Success of our Army against the Cherokees hitherto, I congratulate you upon it.

I send these dispatches by an Advice Boat Express with directions to wait at New York to bring back any Orders which General Amherst may think proper to send upon receiving the present Intelligence or on any other occasion, I therefore beg the favour of you to forward

them to the General and to send back M^r Foskey as soon as His Excellencys Dispatches come to your Hands.

I am with great Regard

Sir,

Your most Obedient humble Serv^t

W^m BULL

The Gazette coming out before I closed

my Letter I send one

To the Hon^{ble} CADWALLADER COLDEN Esq.
Lieutenant Governor of New York

From Gen. Jeffery Amherst

ALBANY, 18th July 1761.

Sir,

His Majesty's Service Making it requisite that I should Assemble a Body of Troops near New York; And Staten Island appearing to me the most proper place to Encamp them on; I have Accordingly fixed on the same; and send Lieut. Colonel Robertson to New York to mark out Said Encampment; and upon the arrival of the Troops to shew them their Ground; with Directions to Avoid as Much as possible taking any of the Grounds, on which the Corn may be still standing, or any other that may prove Essentially Inconvenient to the proprietors thereof; with this provisoe nevertheless, that the King's Service may not be Retarded, or receive any prejudice thereby.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

JEFF: AMHERST

Hon^{ble} M^r President COLDEN.

From Gen. Jeffery Amherst

ALBANY 19th July 1761

Sir,

I am this moment favored with Your Letter of the 16th and have as yet heard Nothing more relative to the

Murder Committed by the Oneida, than what I have already Acquainted You with.

I Thank You for Your News concerning Beleisle; From the Strength that Place has been Represented to Me in, I Cannot believe We should Attempt to storm it; It is probable our Troops may have Render'd themselves Masters of the Palais, by pursuing the Enemy, in their Retreat, after a Sally, into the Town; that We are in possession of that Important place, I make no doubt, & am hopefull We shall soon receive an Authentick Confirmation of it.

I am likewise to thank you for the Pamphlet Enclosed in Yours, which I shall give a Reading after the Post is gone.

Colonel Robertson set out this morning, with a fair Wind for York, and a Letter from me to You, of Yesterday's Date, Acquainting You with his being Sent to Mark out an Encampment on Staten Island for a Body of Troops which I am going to Assemble there; As he will be with You before the post, I need Add nothing more than the Renewal of Assurances of the Regard and Esteem with which I am,

Sir,

Your most Obedient Humble Servant.

JEFF: AMHERST

Hon^{ble} Mr President COLDEN.

From John Pownall

LONDON July 22 1761.

Dear Sir,

The same ship that conveys this to you will probably carry out Gen^l Moncktons commission which puts a period to your administration, which for your own sake as well as for the publick Service I could have wishd might have been of longer duration, and so it would have been had not the Changes in office here accelerated Mr Moncktons appointment; This appointment however has

been attended with a promotion of yourself to the rank of Lieu^t Gov^r in which I used my best endeavours to serve you, it being a thing which I understood from your Friend M^r Collinson would be agreeable to you.

Your letters of the 15 of May & 2^d of June with the Duplicates of those of the 18 & 28 of Febry, are come to hand, but as they came after the usual adjournment of the 13^d for the summer months, it will be some time before the matters containd in them can be acted upon. In the mean time I send you herewith for your information an authenticated copy of the repeal of the Act of 1699 for punishing privateers & pirates and should be obliged to you if you would point out to me the instances of those other Laws mentioned in the printed Collection to have been repeald, but of which repeal their is no evidence in the province—This appearing to me to be a matter of serious concern.

The publick papers and the many Gentlemen that I understand are upon the point of embarking for New York, will better inform you of the state of publick affairs here than I can do. A fortnight ago every one thought we were at the Eve of a peace—the general opinion now is just the reverse—my own opinion is however not quite so sanguine, I see many untoward circumstances but do not despair yet of a peace this Year.

I am with great truth & regard

Sir

Your most obed^t & most faithfull humble Serv^t

J. POWNALL

From Gen. Jeffery Amherst

ALBANY, 26th July 1761.

Sir,

I thank You for Your very Interesting Intelligence of the Surrender of Pondicherry to His Majesty's Forces on the 17th January last; and sincerely Rejoice with You upon it, as, by the way this News is come, it seems to be true beyond all doubt.

I am afraid Your Uneasiness on Account of the Packett is too well founded; from the length of time She must be Supposed to have been out, it is more than probable, She has fallen into the Hands of the Enemy.

As in Answer to my Requisition, You were pleased to give me Assurances of hopes that the Assembly would not fail to Comply therewith; and as I take it for granted they will; and that, as I Wrote to You before, under those Expectations, I should be Sorry they were Called together sooner than would Suit their Convenience, I See no necessity of Convening them prior to the time You shall think most proper, Especially as the Men I Asked for, will be Drafted from those now in the pay of the Province

I am Informed that there was at New York a Frenchman, by Name, Renaud, whom I Intended to Employ for His Majesty's Service, but as I hear that Jointly with an Englishman, he had Loaded a Vessell for the Mississippi, & was shortly to Sail, which Surprizes me greatly, I desire Capt De Ruvyne to make strict Enquiry into the Truth of this Report, & to give You a thorough Information of the Whole, that You may take such Steps as You shall Judge proper & think necessary on the Occasion.

I am, with the greatest Regard,

Sir,

Your most Obedient Humble Servant

JEFF: AMHERST

Hon^{ble} Mr President COLDEN.

From Gen. Jeffery Amherst

ALBANY, 30th July 1761

Sir,

I am the more Obligated to You for Your Intelligence from Carolina, as by the Same Conveyance that brought it, I have Nothing Either from Colonel Grant, or Lieut. Governor Bull; but I Wish sincerely it may prove true, as I am Confident, if there has been an Encounter be-

tween the Troops and the Indians, the Latter must have been Worsted, and punished with that Severity, which their presumption of repeating Hostilities, so loudly Calls for, and so Justly Deserves

I am, with the greatest Regard,

Sir,

Your most Obedient Humble Servant

JEFF: AMHERST

Hon^{ble} M^r President COLDEN.

From Gen. William Shirley

NEW PROVIDENCE, BAHAMA ISLANDS

July 31st 1761

Sir,

I am to ask Pardon for not acknowledging before now the Receipt of the Letter, which you favour'd me with, to let me know, that the Chief Command of the Province of New York was devolv'd upon you by, the Death of M^r Delancey; your Administration of which, I understand gives the People there much Satisfaction; as I am fully persuaded, it must long experience in their Publick Affairs, Abilities to conduct them for His Majesty's & the Country's Service, & principles of Government it must

I should have first mention'd, that my having been so bad a Correspondent, is owing to an obstinate Indisposition under W^{ch} I have labour'd many Months, but am *now* in a fair Way to get rid of.

I have now the Additional Pleasure of congratulating you upon receiving His Majesty's Commission as L^t Governour of the Province under your Command, which I hope the Province & you will long enjoy the Benefit of.

I am oblig'd to Your Honour for your Care in forwarding some Publick Letters from New York to me.

I would beg the Favour of you, Sir, to order an Inquiry to be made after the inclos'd List of Deserters, as, tho' it is so long since they deserted, it is not impossible

but some or all of them may be still found in your Government, either by being permitted to enlist into some of your Independ^t Companies there, or to go at large, & work as Labourers; & shall be much oblig'd to you, if any of them can be secur'd for me, for apprizing as soon as may be, L^t Philip Brown of my Company who is now recruiting at Philadelphia for it; in a Line, that he may come to New York, & reclaim them.

I have taken this Opportunity of sending you a Turtle of ab^t 80^{lb} Weight, mark'd L C, w^{ch} I beg Your Acceptance of, & hope, will arrive safe at New York.

I am, with much Truth & Esteem,

Sir,

Your Honour's most Obedient Humble Servant

Hon^{ble} L^t GOV^r COLDEN.

W. SHIRLEY

From Gen. Jeffery Amherst

ALBANY 1st August 1761

Dear Sir

I received last night, by express, the favour of your Letter of 29 Inst. last with the dispatches that arrived from Carolina: the Success that has attended His Majestys Arms in that Province, has been a most just Chastisement on the treacherous Cherokees, and I think must be productive of a good Peace, to the benefit of that and the neighbouring Colonies.

L^t: Col. Robertson acquaints me, the Particulars of Lt C: Grant's successfull Campaign are publickly known at New York, I need not therefore trouble you with a repetition of them, but I beg the favor of you to order the Master of the Advice boat to return immediately with my Dispatches to Carolina.

If Quarter Master Sylvester and M^r Bell, Surgeon, of Col. Burton's Reg^t are not already departed from New York, in that case, I must desire you will please to give my Dispatches, in care, to the Quarter Master, and those two Gentlemen may take their passage in the boat.

I am obliged to you for your good news that is

brought by the Vessel from London, Pondicherry, Dominica &c^a added to it, all together can not fail to reduce and force our Enemies to reasonable terms. I am with great truth and Regard

Dear Sir

Your most obedient Humble Servant

Hon^{ble} M^r President COLDEN

JEFF: AMHERST

From Gen. Jeffery Amherst

ALBANY 2^d Augst 1761

Sir,

In my Letter of the 26th Ultimo, I Informed You of my having received some Intelligence, that one Renaud, a Frenchman, in Conjunction with an Englishman, had Laden a Vessell for the Mississippi; and that I had desired Captain De Ruvyne to Acquaint You, with what particulars he knew of this Affair; I directed him, at the same time, to make Every Inquiry he could into the Truth of this Matter, and to let me know them: This days post has brought me his Answer, Setting forth that Renaud Sailed on Sunday last; that, in partnership with One M^{rs} Willett, of New York, he actually Loaded a Vessell, with Provisions, for the Mississippi; and that She furnished the Vessell, and an English Master.

So open and Barefaced a Contempt & Infringement of the Laws, certainly require the most Serious Attention of the Legislature, and as You preside over the Province where one of the Chief Delinquents Reside, I think it incumbent on Me to give You Every Information that may Enable You to Ascertain the Truth of the above Allegation, and proceed thereupon as You shall See most proper, to Enforce a due Observance of the King's Commands, and to bring those that dare to break, or Neglect them, to Condign punishment.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant.

Hon^{ble} M^r President COLDEN.

JEFF: AMHERST.

From Capt. John Boyd

PENZANCE 12 LEAGUES FROM THE CAPES
OF DELAWARE, 4th August 1761

Sir

I was favour'd with your letter & Intelligence of y^e 12th Ult^o. The night before I left Virginia which was on y^e 26th of last month, after having been there a Week, and cleand repair'd my Rudder w^{ch} was loose. I have been laying off this Coast ever Since, without haveing been able to see any thing like a Privateer; Nor can I think their is any near the Coast or we must certainly have heard of more Captures for I see all manner of other Vessells every day; I have seen some Captures in the papers; But they are all at a Distance from my Station. Whoever I shall Remain on this Coast till near y^e end of y^e Month & their is a 50 Gun Ship & a Sloop Cruizing off Virginia; y^e Boston Ship King George between that & Bermudas; & Cap^t Campbell, & Greenwood to y^e S^oward; let us hope we shall keep y^e Coast in Tolerable Safety. I now go Indifferently well at least I speak w^t all I see.

My respects to your family with my best Wishes for your health & happiness I am with very great regard

Sir Your most Obedient Humble Servant

JOHN BOYD

TO CADWALLADER COLDEN Esq^r

P.S. It is a very common Thing for y^e Vessells who have letters of Mart, to Chace one another, or any other Vessel so that it is allmost Impossible for any Vessel to come out of y^e Sea without having been Chaced by something or other which in my oppinion makes so many Privateers in Publick Prints, and the Insurers together.

J B.

[Indorsed]
Cap^{tn} BOYD

From Gen. Jeffery Amherst

ALBANY 9th August 1761.

Sir,

I am much Surprised that the Master of the Advice Boat, hired purposely for His Majesty's Service, should think of Objecting to receive on Board, the Person that was the Bearer of my Dispatches, especially after having received Your Directions, for Admitting him; this can proceed from Nothing but Ignorance, and I am much Obligated to You, for having made him Sensible of his Error.

I am hopefull Captian De Ruvyne will be able to Learn the Name of the Master who carried away Renaud; I recommend it to him very strongly, because I really think it very Essential that this Matter should be brought to Light, and the Guilty made Example of, which is the only likely means I know of to put a stop to such fraudulent and Illegal practises.

I Return You many thanks for Your Confirmation of the Reduction of the Fortress of Belleisle; the Circumstances are so well Connected, that there is scarce any room to doubt the truth of it; and yet I must own, if it is true, that We have had that Fortress much sooner than I could have Expected.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant.

JEFF: AMHERST.

Hon^{ble} Mr President COLDEN.

From Gen. Jeffery Amherst

ALBANY 11th August 1761.

Sir,

Your Letter of the 7th Instant, received last Night, gives me a particular pleasure, as it furnishes me with an opportunity of Congratulating You on the Reception

of His Majesty's Commission Appointing You Lieut: Governor of this Province; a Sure Mark of the King's Approbation of Your Zeal and Services; And I am heartily glad to find, that the Powers Vested in You by said Commission are more Ample & full, than in any former Commission to a Lieutenant Governor, as I am very certain that You will Exert them for the good of His Majesty's Service, with the same Readiness and Chearfullness, that I have all along Experienced in You.

I am Obligated to You for the Three Letters that came under Cover for me, from the Secretary of State's office; as also for the Large Packett Directed to Colonel Amherst: they are all come safe to hand.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

JEFF: AMHERST.

The Hon^{ble} Lt Governor COLDEN.

From Gen. Jeffery Amherst

ALBANY 13th August 1761

Sir,

As the 43^d Regiment Sailed from hence Yesterday for Staten Island, and that it is necessary the Officer and Detachment of that Corps, now doing Duty in the Fort, should Join them, in order to receive their Cloathing, and provide themselves with any thing Else they may be Deficient of, I send, by this Conveyance, Directions to Colonel Grant, who Commands on Staten Island, immediately upon receipt of my Letter, to relieve the Detachment of the 43^d with a like Detachment from his Encampment; And to Continue this Relief Weekly, of which I think it but right to give You Notice.

I am, with great regard,

Sir,

Your most obedient Humble Servant.

JEFF. AMHERST.

Hon^{ble} Lieut. Governor COLDEN.

From Gov. Thomas Fitch

NORWALK [CONN.], 14th August 1761

Sir

I have the Honour of your Letter of the 10th and gratefully acknowledge your Favour in forwarding to me my Letters that came in the Packet which I received last Monday I heartily Congratulate You on Your Receiving his Majesty's Commission appointing you Lieut. Governor of the Province of New York, and do Assure you I Received the Intelligence of this Mark of the Royal Favour to You with Singular Satisfaction. I am much Oblidged to you for the Information you have given me Respecting the illegal Trade suspected to be carryed on &c and as the Suspicion affects the Officers of this Colony and perhaps the Reputation of it also I shall take the most Effectual Care to Discover what grounds there may be Either of Complaint or Suspicion of that Kind and Give you Information as early as may be.

I am Sir with very great Regard

Your most obedient and most humble Servant

THO^s FITCH

L^t Governor COLDEN.

From Gen. Jeffery Amherst

ALBANY 16th August 1761

Sir,

I am extremely glad to Learn that You have Succeeded so far as to Discover the Name of the Master and of the Vessell, which it may be Supposed carried off Renaud; and I am in hopes that the Steps You have taken, to Ascertain the Same, will every way Answer the good End proposed by the Trouble You have been at on that Occasion, in which case I am very Certain there will be no deficiency, on Your part, to bring the Delinquents to due punishment; for which purpose, I am hopefull Governor Fitch will, in his Enquiries, Use the

precaution You have given him, to make them as privately as possible, for there is no doubt, if the Affair should get Wind, and the Owners have room to Suspect their being Discovered, they would prevent our Obtaining the Legal proofs, and Order the Vessell, and Renaud, not to Return to New York.

Notwithstanding the Information Captain De Ruyne Writes me he has given the Councill, I Direct him to make what further Enquiries he can, and, if he Obtains any more, to Lay them before You.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

JEFF: AMHERST

Hon^{ble} Lt Gov^r COLDEN.

From Gen. Thomas Gage

MONTREAL Aug^t 18th 1761.

Sir,

I take the first Opportunity to acknowledge your Favor of the 7th Ins^t, & to thank you for the Letters you have been so good to forward, which came directed to me under your Cover. I congratulate you on the News I received in those Letters; The entire Conquest of Belle-isle, & its strong Fortress: And I beg Leave likewise to testify my Joy, for the Honor His Majesty has conferred on you; & The Satisfaction The Province of New York will receive in being governed by a Person of your Merit, Experience, & Capacity I have the Honor to be, with great Esteem,

Sir,

Your most obedient humble Servant,

THO^s GAGE

Hon^{ble} CADWALLADER COLDEN, Esq^r

From Benjamin Pratt

S^r

BOSTON Aug^t 22 1761

Tho' I have not now the Honor to be known to you; Yet I have the Pleasure of it, in Expectation; & should think myself happy, if I may have it in my Power, to Merit Your Approbation & Acquaintance. My Knowledge of your Character, has no Small Effect upon my Mind, to incline me, to Leave my Friends & Business *here*, & remove into your Province; I hope, S^r, you will therefore Excuse my asking this Favour of your Honor, viz^t That if any Mandamus or Commission should come to your Hands concerning me, as Chief Justice; & if you should not think proper to transmit it to me; you would please to advice me of the Tenor of it, & whether that Office is to be held only *during Pleasure*. Tis of Importance for me to know *this*, as soon as possible, I already fear it from what M^r Auchmuty writes to me of what you was so kind as to communicate to him relative to your Instructions. As the Parliament at the Revolution thought it the necessary Right of Englishmen to have the Judges Safe from being turned out by the Crown; you will not wonder that the People under your Command should claim the Right of Englishmen in this Respect; & that I should think my Honor as well as the public greatly concerned in the Affair. *A Judge liable to be broke by the Gov^r if he don't please him. And to be Starved by the Assembly if he dont please them!* And this *too* at a Time when our gracious Sovereign has so lately Sent a Message to Parliament expressing his Sense of the necessity of Judges being not only independent in Point of Salary but also against any Removal, unless for their Misconduct. His Majesty Sense of these Things, will, I hope meet the Approbation of your Assembly & Justify you in the Generous Proposals, that I am informed you have made. You will do essential Service to the Province & to his Majestys Interest, if you can Succeed to render the Post so Secure as to be worth Acceptance of a Lawyer, & make him

Safe in Dispensing Law & Justice. Pardon the Liberty
I have Taken & believe me to be y^r Hon^{rs} obed^t hum.
Servt

B. PRAT

To The Hon: C: COLDEN Esq

[Indorsed]

To

The Hon: C: COLDEN Esq.

Lieut.

Gov^r

And Commander in Chief

of

The Province of New York

From Gov. Thomas Boone

PERTH AMBOY [N. J.] Augst 24th 1761

Sir

I have this Morning Received an Account from Co^l
Vancampen, who Commands the Sussex County Regi-
ment of Militia in this Province, of a Dissatisfaction
which seems to Prevail Among the Indians on our
Frontiers, for which no particular Reason is assigned;
One, Indian of Six that were at one Westbrooks threat-
en'd the owner of the house, to Come and burn it, he
made off, but the other five were detained, as these
appear to me neither to have been guilty of outrage or
Even Menaces, I have order'd them to be set at liberty;
The Inhabitants of that Part of the Country seem to be
a good deal alarmed, but I think without Sufficient
Reason; I have however with advice of Council, sent
orders to the Commanding Officers of the militia of the
three Exposed Counties, Sussex, Morris, & Hunterdon
to hold their Regiments in Readiness to Repell any At-
tack or Reciprocally to give each other assistance, & I
think it my Duty to Communicate what Intelligence I
have which is Corroborated by affidavits, to you, that if
you think Proper, you may put the Inhabitants of orange
on their Guard. I am Sir with great Regard

Your most obed^t Servant

THO: BOONE

L^t Gov^r COLDEN

[Indorsed]

26 Aug: 1761 Read in Council

From Gen. James Murray

QUEBEC 26th August 1761.

Sir

I was Favoured with Yours, and beg you will Accept of my most Sincere Congratulations on your Advancement to be Lieutenant Governor of New York, and wish this may be followed by some more Solid Promotion.

Receive my Hearty thanks for the offers of Service you are pleased to make me, should any thing happen this way, wherein I can be the least Usefull, you may be Assured of my Ready Compliance, and that I shall ever be with very great Regard

Sir

Your most Obedient & most Humble Servant

JA: MURRAY

ALEXANDER COLDEN Esq^r: Lieut. Governor of New York

*Cadwallader Colden's Orders to Col. Thomas Ellison, in
Reference to Indian Attacks*

[FORT GEORGE Aug^t 31 1761]

BY THE HON^{BLE} CADWALLADER COLDEN ESQ^R

His Majesties Lieutenant Governor and Commander in cheif of the Province of New York and the Territories depending thereon in America

WHEREAS from the Threats lately thrown out, and the apparently bad disposition of the Indians bordering on the Settlements of Ulster and Orange, there is great reason to apprehend that they may soon break out into Acts of Violence and Hostility, if some method be not fallen upon to deter them; more especially should it prove true, as reported, that five or Six of that people have lately been killd att Minissink. You are therefore, in case the said Indians still continue in ill Temper, and the Inhabitants uneasy and like to leave their Habita-

tions, forthwith to order such party or parties of the Regiment of Militia under your Command, to such place or places, and to remain on Duty so long time, as you shall think necessary, to protect the most exposed settlers in your County from any insult or open Act of Hostility by the aforesaid Indians; takeing especial care, to intrust the Command of every such Party to an officer of known prudence and Experience, and in your orders, to restrain him from using force against the Indians, untill he hath tryed every other method to bring them back to their Duty, or from firing on them, unless it be to repel an Actual attempt on the lives of any of His Majesties Subjects.

You are to keep a close Correspondence with Colonels Hardenbergh and Thurston, who will receive Orders similar to these, that by being acquainted with the orders they shall issue in consequence hereof, and the Intelligence they may have of the Temper and Designs of the Indians, you may be the better enabled to guard against them on every Emergency; and you are to forward to me, or the Commander in cheif, all intelligence relative to this matter, also an Account of your proceedings herein from time to time.

Given under my hand at Fort George in
New York the Thirty First Day of August 1761

CADWALLADER COLDEN

To THOMAS ELLISON Esq^r
Colonel or the Commanding
Officer of the Second Regiment
of Militia for the County of Ulster

From Gen. Jeffery Amherst

STAATEN ISLAND [N. Y.] 3^d September 1761.

Sir,

I am this moment favored with Your Letter of this day, and am Sorry that, the stoppage I Caused to be made from the last Years Billetting Money, for Making

good the Arms lost by the York Forces, during that Campaign, should have prevented the House from Coming to a Resolution, on My Requisition of the 15th June; and the More So, as from the Reasons I gave You, When the Objections were first Stated against that Stoppage, it is evident I cannot relinquish it, without putting the Government not only to a great Expence, but Subjecting His Majesty's Service to the greatest Inconvenience, thro' want of those Implements of War at the time when there may be most Occasion for them, which must absolutely be the Case if those that are Entrusted with, are not holden to return, or make them good: and as it behoves me particularly to Guard against Such an Inconvenience, and that I have no other means to do it, than by making good the Loss out of the Billetting Money, I must strictly adhere to the Regulations I have made in that behalf, and Abide by the Stoppages that have been made in Consequence thereof from the other Provinces, as well as that of New York; and I trust that that will not make Your Assembly Slacken in their Zeal & Duty to their King, & Country, but that they will, as heretofore Continue to Exert themselves upon Every Occasion where the Service may stand in need of their Aid & Assistance, which I shall never Apply for, but when the good of the Publick may Require it; and I believe the Assembly will agree with me, that it Cannot be granted upon a more pleasing occasion than that of Securing the possession of His Majesty's Conquests in America, towards which, all the other Northern Provinces & Colonies, Except Connecticut (from whom I have as Yet nothing Decisive) have already voted their Quotas.

I am, with great Regard,

Sir,

Your most obedient Humble Servant.

JEFF: AMHERST.

Hon^{ble} Lieut. Governor Colden.

From Gen. Jeffery Amherst

STAATEN ISLAND [N. Y.] 3^d September 1761

Sir,

With this You will receive my Answer to Your Letter of this Morning, which I had Just closed when I received that now before me, with the Resolves of the Assembly, which Correspond so entirely with that Zeal & Solicitude for the good of the Service which I have so often Experienced in them, since I have been Honored with the Chief Command in America, that I cannot forego the Earliest opportunity of Expressing the Satisfaction I feel at being Enabled to represent to His Majesty's Ministers, their ready & Chearfull Acquiescence to the Requisition of the King's Servants, which I shall not fail to do in my first Dispatches to England.

As, in consideration of this ready Acquiescence, I should be sorry to put the Province to the Expençe attending the Same, without an Absolute Occasion, I would recommend postponing the Draft of the Officers & Men, 'till the Arrival of a Man of War, or Packett, from England, that if the Instructions by her should not render this Aid necessary the Province need not be burthen'd with the Expençe of it, of which I shall not fail to give You the Earliest Intelligence.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant,

JEFF. AMHERST.

Honble Lt Governor COLDEN

From Gov. Bosveld of Curacao

[Translation]

[September 8, 1761.]

EXCELLENCY

I have with much affection become y^e Complaints of the Commander under me of the Island of Aruba, over

the person of Cap^t John Hanson Commander of a brigantein and being furnished with a Commission from New York, and Wel known by mee, Came the 14 of June Past upon y^e Road of Aruba having in Company with him a English Sloop Cap^t W^m. Linsin, which he had made Prize off y^e harbour of Corocoa and unloaded her at aruba, the Cargo of beef pork and flour with Some Chests and Cases, and the VoorSaid Cap^t Hanson did find it proper to arm his boat in The Night, and to Send the Same in y^e horse bay to overhaul all the Ships and Vessels that then was riding at anchor, and aboard y^e Scooner of Izaac Linberg took away by force, or Stole one barrell of Salted tortel fish, lines, knives and Spoons and two hollow boulds, and took out of y^e tortels Craal, two tortles en further Plundert and took away by force out of y^e Ship of Jan Post three hides and the Cloaths belonging to y^e Sailors, and also out of y^e Schip of Jan Arentsz two Turtle nets and from W^m Arendsz 4 tortles, y^e Commanders of those Vessels which Were Robb'd went Next day aboard Y^e brigg in order to doe their Complaints and diSire Restitution for their Goods, was all of them abused and with Ill Words drove from onboard by Y^e Said Cap^t Hanson, y^e Extorsion went on farther. Without regard in attackingh y^e Company's Cattle firing upon them and killing a Cow Cut her open and took out of her a Calf and dragg'd y^e Cow in the boat and a Goat also, they open'd and left the Intrals lay, and Likewise a Cow which they had kill'd, but t[h]rough the flight they Could Not Carry her of[f], there being found in her two balls, and Several other Cattles More which are Sadly Wounded.

I Would make Mention of this to your Excellency before I would have wrought it over to y^e Company. Wel knowing that your Excellency is Much to Aquitable as not to punish Such Mischievius insolency in Violating a Neutral Ground, Desiring that y^e Damages Might be Restored, that the mutual friendship betwixt us as Neighbours, and the Treaties made by Our Masters may Continue and y^e Given Out Proclamations Each of us

Particularly to Maintain that our Navigations might be free and without hindrance and each of us be ready to assist and help one another, and that I may not have any hold on his person, if he should happen to Come in here again, I offer my Self in all occations to doe your Excellency Service.

Commendingh Your Excellency in y^e protection of the Most High and in Expectations of a Rescript to Satisfaction Continues With Respect to be

EXCELLENCY

Your Most Humble & Ready Servant
(was Sign'd)

Jv BOSVELD

Governor & Collonel of y^e Cavallary of their
High Mightiness

In the Fort Amsterdam

upon Corocoa September y^e 8 1761

Thus Faithfully Translated out of y^e
Dutch into y^e English Language By Mee

CORN RAVEN

Sworn Translator

[Indorsed]

Letter from the Governor of Curacoa
complaining of Irregularities committed
by Capt HANSEN of the privateer

Nov. 5. Read & Copy to be served on Capt
HANSEN with an order to attend of and give
his answer in Council on Wednesday the 11 Nov^r

From William Pitt Announcing Marriage of George III

WHITEHALL [LONDON] 11th Sept^r 1761.

Sir,

It is with the greatest Pleasure, that I am now to acquaint You, that His Majesty's Marriage with the Princess Charlotte of Mecklenbourg Strelitz (who landed at Harwick, on the Seventh Instant) was happily celebrated on the next Evening, in the Royal Chapel at St James's.

I sincerely congratulate You on this happy Event, which cannot fail to give the highest Satisfaction and Joy to all His Majesty's Faithful Subjects.

I am,

Sir,

Your most obedient humble Servant

W. PITT

Lieut Governor of New York.

[Indorsed]

Letter from the Secretary of State
notifying the King's Marriage
5 Decem^r Read in Council

From Gen. Jeffery Amherst

STATEN ISLAND [N. Y.] 14th Sep^t 1761.

Sir

At the same time that I am to own the receipt of your favour of 12th Instant, I cannot omit assuring you of my Satisfaction on the pleasure you acquaint me, Your Assembly seemed to have on your communicating to them my Letter of the 3^d Instant.

I was unacquainted with the Connexions L^t Turnbull has with your Family, but I have a very good opinion of him as an officer, and my wishes to promote him on that account, can't but be encreased by your kindness to him in interesting yourself for his preferment. I am with great truth and Regard

Sir

Your most Humble and most Obedient Servant

JEFF: AMHERST.

Hon^{ble} L^t GOVERNOR COLDEN.

From Benjamin Pratt

BOSTON September 14 1761

S^r

I am extremely Sensible of my Obligation to you, for yours of the 7th Inst. that you have honored me with.

I assure you S^r the Hopes of your Patronage & Friendship are some of my Strongest Inducements to leave this my *Patria* & Settlement in it; to Cooperate with you in the Service of the respectable Province under your Command. Could I once See a Prospect of really Serving that Province, in the Post proposed, without too great a Sacrifice of my Independance & Interest; I should not hesitate a Moment, in Accepting with Gratitude his Majestys Favour, whenever his Majestys Pleasure shall be Signified to your Honor.

I know what I am to relinquish here, but know not what I am to expect, at New York—You know the State Advantages & Disadvantages of that Office better than I can, & than any in whom I can confide; Your Advice S^r must therefore have great Weight with me. when you shall have received his Majestys Directions Relative to me. Know what my Expectations & Wishes are, & shall have Seen how the Assembly are disposed to make Provision for my Support. You will be better able to Judge for me than I can Judge for myself. Then your Opinion of the Affair, I believe will determine me either to the Affirmative or Negative as you shall then think proper. Pardon the Freedom I am taking, I presume on your Goodness, & beg that, whenever you shall think it a proper Time to form a Judgment, you would think a Little upon the Subject, & give me your Thoughts. All that I aspire at is, that I may, in that Post, be independant enough to be able to do My Duty with Safety; And that the Salary & legal Perquisites should afford me & Family a Decent Support. The Center of all my Wishes, in Life, has always been to be in Circumstances that would permit me to Devote a great Part of my Time, to Speculation, Literary Engagements, Correspondence with Friends of that Taste, and to the Doing Some thing for public Emolument. I should deem myself happy, if in your Government & by your Mediation, I might obtain this Wished for Situation.—Yet if all this should fail; I shall still have my Wishes in one Thing, that is S^r in the Correspondence

which you do me the Honor to offer, which with all other Favours shall be gratefully accepted by S^r

Y^r Hon's most obedient & obliged hum. Ser^t

B: PRAT

To the Hon: CADWALLADER COLDEN Esq

[Indorsed]

To

The Hon^{ble}

CADWALLADER COLDEN Esq.

Lieut Governor

&

Commander in Chief

of

New York

From Gen. Jeffery Amherst

STATEN ISLAND 21st Sept. 1761

Dear Sir

I am much obliged to you for your favour of the 19th which I received last night; permit me to offer you my most sincere congratulations on the good news the Packet has brought of the Kings intended Marriage, which I am certain must give you, and all His Majesty's faithfull Subjects of this Continent, the greatest pleasure and Satisfaction.

I thank you for the information you are pleased to give me of the Deserter whom the Mayor has committed, the season is too far advanced to reap any benefit from his Service adequate to the cost of provisions which must be supplied him in joyning his Corps, he ought to be punished as all such Delinquents should in example, but as I think it better for the service he should not joyn his Corps, you will please to do with him as you Judge proper. I am with great Regard and esteem

Dear Sir

Your most Obedient Humble Servant

JEFF. AMHERST.

Honorable L^t Governour COLDEN

*From William Pitt Announcing Coronation of
George III & Charlotte*

WHITEHALL [LONDON] Sept^r 28:1761

Sir

I have the Satisfaction to inform You, that Their Majesties were Crowned at Westminster on Tuesday last the 22^d Inst^t, with the accustomed Ceremonies, on like Occasions, The Particulars whereof are inserted in the inclosed Gazette.

I am

Sir,

Your most obedient humble Servant

W. PITT.

Gov^r. of New York.

[Indorsed]

Letter from the Secretary of State
Notifying the Coronation of
their Majesties on the 22^d.
Dec. 5th 1761. Read in Council

*Instructions to Gov. Robert Monckton Directing the
Form of Prayer to Be Used for the Royal Family*

[Sept. 29, 1761.]

George R.

[Seal] INSTRUCTION to Our Trusty and Well-beloved Robert Monckton Esquire Our Captain General and Governor in Chief in and over Our Province of New York and the Territories depending thereon in America. Given at Our Court at S^t James's the 29th day of Sept^r 1761, in the first Year of Our Reign.

WHEREAS We have been pleased by Our Order in Council of the 11th day of September Instant, to declare Our Pleasure, that in the Morning and Evening Prayers, in the Litany and in all other Parts of the Publick Service, as well in the occasional Offices as in the Book of common Prayer, where the Royal Family is appointed to be particularly prayed for, the following form of

Words should be used Viz^t *Our Gracious Queen Charlotte, Her Royal Highness the Princess Dowager of Wales and all the Royal Family* Our Will and Pleasure therefore is, that in all the Prayers, Litanys and Collects, where the Royal Family is prayed for, and which are used within Our Province of New York under your Government, the same form and order of Words be used as follows Viz^t *Our gracious Queen Charlotte, Her Royal Highness the Princess Dowager of Wales and all the Royal Family*, and for the better Notice hereof in Our said Province. It is Our further Will and Pleasure, that you cause the same to be forthwith published in the several Parish Churches and other Places of divine Worship within Our said Province, and that you take care that due obedience be paid thereto accordingly.

G. R.

[Indorsed]

29 September 1761

Instructions to the Governor of New York,
directing the Form of Prayer to be used for the
Royal Family on the King's Marriage.
December 5. Read in Council.

From Gen. Jeffery Amherst

STATEN ISLAND [N. Y.] 30th Sept. 1761.

Dear Sir

I know no Event in war more likely to happen than Prince Ferdinand's having gained a complete Victory over the French Troops, I therefore trust that the report of this great and good news, which you was so good to send me, will prove true, and that I may have the pleasure of repeating my congratulations to you on the arrival of the first Ship from England, which I think may be hourly expected. I am with great regard

Dear Sir

Your most obedient Humble Servant

JEFF: AMHERST.

Honorable Lt Governor COLDEN

From Benjamin Pratt

BOSTON Oct. 3rd 1761

S^r

I this Day received his Majestys Mandamus, to you or the Commander in Chief for the Time being; The Words, Limiting the Time of my holding the office of Chief Justice, are "*During Our Pleasure, & his Residence within our s^d Province*" As to the Tenor of the Commission, I, for my own Part, am less Concerned about it, than on Account of what Effects it may have on the Minds of the Assembly; who, if they are displeased with it, may oblige me to quit the Post by Denying me a Support. As the Commission will be, I apprehend the Chief Justice cannot be removed, without his Majestys Orders for that Purpose: & while so good a Prince, as our present Soveign is on the Throne, I presume no such orders will be given, without Reason. And while the People & I acquiesse in this his Majestys Order in a Decent Manner, we may hope that on proper Application his Majesty will be pleased to direct a Commission according to our Desires. And Considering what I owe to the King & the Public, & Reflecting on what you was so good as to say in your Letter of the 7th of Sep^t; I am determined to exculpate myself, & do now assure you, that I am ready to accept the Commission as directed; & will as soon as I can Settle my Affairs here, come to Receive the Commission & officiate. I do this in Confidence of your good Interposition that a Commission quam diu te bene gessent may be obtained hereafter & that there may be such Provision made for my Support in this office as to make it Safe & consistent with Honor to hold it. But whether these Objects of my Wishes are attainable or not, I cannot foreknow. You S^r are the best able to Judge: I must therefore beg Leave to Repeat my Solicitation for your Sentiments. It very much Concerns me to know what I can reasonably expect, without this I know not how to Settle my affairs here. Permit me to State my Difficulties; What Little

I have in the World consists in a real Estate for which I can neither find Purchasers nor Tenants without Sink-
ing one half the Value, computed either at the Rate it
Cost me, or what it would be worth to me to improve
it myself; & in a personal Estate all out in many Debts,
chiefly Small, & many Doubtful & under such Circum-
stances by Reason of the Length of Time they have been
due, that they cannot be collected in my Absence without
great Loss. Upon the whole if I hurry away from this
Place, I must be a very great Loser besides Leaving my
Business here worth double the Profits of the Office of
Chief Justice as it has been in my Predecessors Time.
And even this Small Pittance is not certain.—If I must
probably be forced to return, I should order my Affairs
here accordingly. I have not a Fortune that will Support
me in Running Risques, or maintain me if your Province
will not. In short I am greatly perplexed to know what
to do, & this Perplexity increases my Importunity. M^r
Auchmuty will wait upon you, & if you have not Leizure
to Write, pray communicate y^r Thoughts to him & you
will really Serve & oblige

Your Hon^{rs} most obed^t hum Serv^t

B. PRAT

To the Hon. CADWALLADER COLDEN

[Indorsed]

For

The Hon^{ble}

CADWALLADER COLDEN Esq

Lieu^t Governor

&

Commander in Chief of the Province
of New York

From Gen. Jeffery Amherst

STAATEN ISLAND [N. Y.] 5th October 1761.

Sir,

As by Your Letter of 3^d September, You was pleased
to Acquaint me that the Assembly of New York had
Come to a Resolution to Continue 173 Men, Officers In-
cluded, in the pay of the Province, during the Ensuing

Winter, to be Employed in Such manner as I should think proper; In Answer to which I Desired You Might postpone the Draft of those Men, Untill the Arrival of a Man of War, or Packet, that if their Services Might not be absolutely requisite, the province Might not be put to any unnecessary Expence.

I am now, Sir, to Acquaint You, that by the Arrival of the Packet, I find the Quotas Demanded of the Several provinces will be Requisite; and therefore I must beg You will give the Necessary Directions for making the Draft of the above Mentioned 173 Men Officers Included, from the Troops in the present pay of the Province of New York, that they may be Continued and Employed during the Winter in the Services Allotted for them.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

JEFF. AMHERST.

Hon^{ble} Lt Governor COLDEN.

From John Pownall

[Oct. 9. 1761]

Sir,

When I took the liberty to request your Interest in favor of M^r Burke to be agent for New York, I asked it only in case of a vacancy which you, in your letter to me, supposed would happen; but it was very far from my Intention to request any favor for him to the prejudice of M^r Charles the present Agent, whom I really beleive to be much better qualified to serve the Province in that Character than any other man & therefore for his sake as well as for the publick, I shall be extremely sorry if any misapprehension of my request to you should be injurious to him. I am Sir

Your most obed^t humble Servant

JOHN POWNALL

Oct. 9, 1761.

CADWALLADER COLDEN Esq^r

From Earl of Egremont, Secretary of State

WHITEHALL [LONDON] 9th Oct^r 1761

Sir,

The King having been graciously pleased to grant M^r Pitt's Request to retire from Business, and to appoint Me to be Secretary of State for the Southern Department; I take the Earliest Opportunity to acquaint You therewith, and to desire, that you would be pleased, for the future, to address your Letters to me, which I shall not fail to lay immediately, before the King, and to transmit to You such Orders, as His Majesty shall judge proper to give thereupon.

I have at present only to add, for your Information, that this Change will not occasion any Alteration in the King's Measures, particularly with Regard to the vigorous Prosecution of the War.

I am,

Sir,

Your most Obedient humble Servant

EGREMONT

Governor of New York

[Indorsed]

Letter from the Secretary of State notifying the
Resignation of M^r Pitt late Secretary of State.
Dec. 5. Read in Council

From Gen. Jeffery Amherst

STAATEN ISLAND [N. Y.] 14th October 1761

Sir,

On the 12th Instant, I was favored with Your Letter of that Days date, Acquainting Me of Your having given the Necessary Directions, for Continuing the Number of Men, required of the Province of New York

As L^t Colonel Robertson was going over to New York, I Desired him to thank You for Your former Letter on the Subject; And I am now to beg Your Acceptance of

my best thanks for this New proof of Your Zeal & Readiness, in forwarding His Majesty's Services

I am, with great Regard,

Sir,

Your most obedient Humble Servant

JEFF: AMHERST.

Hon^{ble} L^t Governor COLDEN.

From Gov. Benning Wentworth

PORTSMOUTH October 18th 1761

Sir,

After Congratulating your Honor on the Signal Success of His Majestys Arms in the East Indies, and on the Continent of Europe, I take the Liberty of recommending to your Notice, the bearer hereof M^r John Nelson, a nephew of mine, whose inclination leads him, before he Embarks for England, to be acquainted with His Majestys other Governments, & their Commercial Interests, whenever you put it in my power to return this favour, I shall do it with the greatest pleasure. I am with great truth & regard S^r

Your Honors most obedient hum^{ble} Servant

B. WENTWORTH

The Hon^{ble}
CHAD^R COLDEN Esq

Warrant for Arrest of Patrick Flynn

[Copy]

[October 30th 1761.]

GEORGE the Second, by the Grace of God of Great Britain France & Ireland, King, Defender of the Faith, &ca - - - To the Sheriff of the City & County of Albany, Greeting We Command You, that You take Patrick Flynn, if he may be found in Your Bailwick,

and him safely keep so that You may have his Body [before] us at the City of New York, on the third tuesday in January next, to Answer unto Abraham Hasbrouk of a Plea of Traspas, and also to a Bill of the said Abraham Hasbrouck against the said Patrick Flynn, for taking and Carrying away the Goods and Chattels of the said Abraham Hasbrouck to his Damadge, One hundred pound, according to the Custom of our Court, before Us to be Exhibited, and have You then & their this Writ—Witness John Chambers Esq^r Second Justice, Daniel Horsemenden, Esq^r third Justice & David Jones forth Justice of our Supream Court for the Province of New York, the Thirtieth Day of October, in the Thirty forth Year of your Reign.

CLARKE.

a true Copy

J. APPY Secretary

LIVINGSTON Attorney

From Sir William Johnson

FORT JOHNSON NOV^r 6th 1761

Dear Sir

After a tedious Journey of 6 Weeks I arrived from the Detroit a few days ago, and am now to acknowledge the receipt of your favour of the 2^d of last July, which I was then prevented from answering, by reason of my being on my Journey

With regard to the Lands, I beg leave to referr you to Mr. Banyar, to whom I have wrote by this opportunity, & made him such proposalls as I imagine will be acceptable. I must confess I was a good deal out of humour when I wrote you last, as I judged myself in a great measure trifled with by some people, especially as I had the Indian Deed of gift prior to any other pretensions; & when it is notorious that I am the only person in these parts who (far from preventing) takes every measure for settling the Lands which I purchase, by the encourage-

ment of Industrious people to whom I grant lotts, on the most reasonable terms. At the same time that I was a good deal disgusted at the delays which I met with, I still flattered myself that the friendship subsisting between us, would secure me your interest therein, And I should be heartily glad that the affair might be settled during your administration.

I should be glad to hear from you, what Mr Barclay has wrote you, concerning the land in the Mohawks Country, as well as upon the Subject at present in question.

The Western Confederacy of Indians, seem entirely disposed to favour the English, & will not in my opinion, unless provoked, be ever persuaded to break the peace which I have made with them. And in order to finish all matters, and put things on a proper footing, I purpose with General Amhersts approbation, to call down the Six Nations to a Meeting, where I hope everything will be adjusted to the publick Satisfaction.

As I am busied at present in preparing, & making up the Indian proceedings for General Amhersts perusal I hope you'll excuse my present brevity, which I shall make up for in my next for altho a good deal embarrassed at present, I was unwilling to let Slip the acknowledgement of your last, as well as the opportunity of Assuring you how much I am,

D^r Sir, with the greatest Sincerity

Your Hearty Welwisher & most Humble Servant

W^m. JOHNSON

P.S.

I Judge it necessary to inform you that one Urie Klock resid^e at Conajoharee has during my absence, deported himself in so extraordinary a manner towards the Inhabitants, & Indians there, that he has given an universal discontent particularly concerning the Land purchased of Mr Livingston (which you know included the Indian Castle) by warning, & threatening to turn sed

people off who have resided thereon, & payed
 rent to the Indians for the same these sev^l
 years past, with other unwarrantable steps,
 I should therefore be glad to have y^r
 opinion thereon, & to have a stop put thereto
 at least until I shall hear from Europe
 having wrote home on that Subject, otherwise
 the Ind^{ns} may attempt to right themselves,
 which may be productive of bad consequences,
 & which it may not be in my power to prevent

Y^{rs}

W.J.

The Honble
 M^r COLDEN L^t Gov^r

From Gov. Robert Monckton

NEW YORK Nov^{br} y^e 11th 1761

Sir

Finding that by the 99th Instruction to Sir Charles
 Hardy, (& supposing that mine will be the same) His
 Majesty is Pleas'd to Order in case of the Governors
 Absence, one full moiety of the Salary, & of all Perqui-
 sites, & Emoluments, that would become due unto him;
 to be pay'd to the L^t Gov^r, or Commander in Chief,
 during the Gov^{rs} Absence. And as my Absence will be
 on His Majesty's Service, It would be best that this
 should be settled between us, before I leave this. I
 should therefore Sir, be glad to have your thoughts on
 it—as my time is but Short

I am

With much truth & Esteem

Sir

Your obedient Hum^{ble} Serv^t

ROB^t MONCKTON

From Gov. Robert Monckton

NEW YORK Nov^{br} y^e 11th half past ten

Sir

I am just now favour'd with your letter, and am sorry to find that it is not so Satisfactory as I could have expected. The 99th Instruction to S^r Charles Hardy, which I mention'd in my former letter, I suppose you are well acquainted with; And why you can think His Majesty intends otherwise by me, I am much at a loss to find out. Had I not thought this a thing of Course, I should not have troubled you about it; But, if in any Shape you are to Govern yourself by those Instructions, and which your Commission of L^t Gov^r directs you to doo—why not by the Whole.

In short Sir, I should be sorry to make any demand, I did not think my just, & undoubted Right, And it is a Point so Plain to me, & must be so to Every Body; that I can not by any means think of leaving it unsettled. I must therefore Beg of you to be more Explicit on this Head.

I am,

With much Esteem

Sir

Your Most Obedient Humb^{le} Serv^t

ROB^t MONCKTON

L^t Gov^r COLDEN

Petition of George Spencer

[November 26, 1761.]

TO THE HONOURABLE CADWALLADER COLDEN ESQ^r his Majesty's Lieutenant Governor, and Commander in Chief in and over the Province of New York, and the Territories depending thereon in America, and Chancellor of the High Court of Chancery in the Same.

THE PETITION of George Spencer, now Confined in Goal in the City of New York aforesaid,
HUMBLY SHEWETH.

THAT YOUR PETITIONER, having been near two Years confined at the Suit, as 'tis Said, of Thomas Penington & Son of Bristol, on Account of a pretended Debt, from which he has been Legally Discharged in England, by an Act of Parliament, made in the Twenty Seventh Year of the Reign of our late Sovereign Lord King George the Second, for Relief of Insolvent Debtors, as by the said Act, and the Proof of his said Discharge, will more fully and Clearly Appear. And being very Poor, he Applied by Petition, in the Term of April last, to the Honourable the Justices of his Majesty's Supreme Court of Judicature, Praying permission to Defend against the said Suit in Forma Pauperis, and that they would be Pleas'd to Assign him an Attorney & an Assistant Council for that Purpose; which they, in the said Term granted; and agreeable therto, Assigned Whitehead Hicks & Benjamin Kissam Esq^{rs} to Defend him accordingly. And altho' the said Justices have Heard the Arguments of the Councils on behalf of both Parties in this Case; yet, for some particular Reason, they have not Decided the Matter, nor Discharged your Petitioner from this Confinement, tho' the said Act, in such Case, directs; so that he still Remains in Goal as aforementioned, quite Destitute of every necessary in Life, and his poor Family also in want of Bread! Misery beyond Example. And for a particular Detail of this Unfortunate Affair; your Petitioner, with the greatest Submission, most Humbly begs Leave to Refer your Honour to the State of his Case hereunto Annexed; not only, Sir, as his Majesty's Representative, who no Doubt will See that Right and Justice be Done to all his Subjects under your Charge, but also as Chancellor of the High Court of Chancery in this his Majesty's Province; under which Titles & Denomination, he, your Petitioner, most humbly Presumes to Address himself to your Honour on this Unhappy occasion, as there are some Points in the said

Affair, which, by the Oath of your Petitioner, may be Clear'd to the Interest & Advantage of his Creditors, and which cannot be Done in a Court of Common Law; and by which Oath, he most humbly Conceives, your Honour will be Able to form a proper Judgment of the Matter.

WHEREFORE your Petitioner most Humbly Prays, That your Honour will be favourably Pleas'd to Take the Premisses under immediate Consideration, and Permit him, as he is very Positive will Appear by his Affidavit at the foot hereof, to Defend against the said Suit, in Forma Pauperis, in the said High Court of Chancery, as he was Permitted to do in the Supreme Court of Judicature as aforementioned; and for that Purpose, to Assign the said Whitehead Hicks & Benjamin Kissam Esq^{rs} as his Attorney & Council, to defend him Accordingly. And your Petitioner most humbly Hopes, as he is not only in the Utmost Distress as mentioned above, but also Afflicted, thro' his long Confinement, with a violent Disorder in his Eyes, by which he is in great Danger of Losing his Sight, and can get no Remedy while here, having already Applied to sundry Doctors on that account; and being Desirous to Leave the Province, & go where he can immediately not only get Relief for his said Disorder, but be Put into Business to his Satisfaction, That your Honour will be Pleas'd to Order or Direct the said Whitehead Hicks & Benjamin Kissam Esq^{sr} to Lay the whole State of the Matter before you in a Summary way, without the Customary form of a Court; and Implores your Honour, in your well known great Justice & Clemency, that you'll be Pleas'd to Compassionately Consider his Distressed, Miserable situation & Circumstances, as also that of his Family; and as soon as may be Discharge him from this Confinement, according to the Directions of the said Act of Parliament in such Case made & Provided.

And your Honour's Petitioner and most Humble
Supplicant, as in Duty bound, Shall ever Pray, &c.

GEORGE SPENCER

Sworn this Day of
Anno Domini 1761 Before me.

George Spencer, being duly Sworn, maketh Oath,
that he is not worth Five pounds in the World,
his Wearing-Apparel excepted.

May it please Your Honour,

It appears from the within Petition that the Suit
therein mentioned is depending in the Supream
Court: An application therefore to have Council
assigned to defend a Suit in Chancery, when no
Suit is there depending, is idle—We dont think
the Petitioner wants the Aid of the Chancery,
Because, by the Act of Parliament the Court in
which the Suit is commenced, has express power
to give Relief in the premisses, if he is entitled
to it—

WHITEHEAD HICKS
BENJ^N KISSAM

16th Decemb^r 1761.

MAY IT PLEASE YOUR HONOUR

As I am detain'd in Goal, where I have now been above
two Years confined on Account of a pretended Debt, from
which I have been legally Discharged in England, as I
can manifestly make Appear to your Honour, I pre-
sumed, in order to obtain my Liberty, to Address my
Self to his Excellency Governor Monckton, as Chancellor
in this Province, and Sent him a State of my Case; but
as his Majesty's Service called him immediately from
his Government to another Part of the World, he had
not time to Examine into the Affair; but was Pleas'd
to Acquaint me by his Servant, that he had Recom-
mended it to your Honour. And in order, Sir, that you
may perfectly understand the Matter, Permit me, with
most humble Submission, to give you a Detail of the

Particulars, by which, I humbly Conceive, your Honour will be able to form a proper Judgment; and in your great Clemency, as I am in the utmost Distress, I most humbly hope you'll be favourably Pleas'd to take the Premises under your immediate Consideration, and order or Direct my Discharge from this Confinement, according to an Act of Parliament in this Case made & Provided; which, I conceive, your Honour will find Just & Equitable in this Affair.

The State of the Case, Sir, is This? As I had observed for some time, that an Illicit Trade was Carried on by Persons in this Place; which I conceived was Injurious to his Majesty's Service, as also to the fair & honest Traders; I presumed to Acquaint his Honour, the then Lieutenant Governor, of it, in order that a Stop might be Put to such an infamous Commerce

Soon after which it was rumour'd in Town that I was turn'd Informer. And in the Evening of the next Day, which was the First of November, in the Year 1759, I was Ill-treated on that Account at the Coffee-House, by sundry Persons. Next Morning, two of the said Persons went to One of my Creditors, and Persuaded him to Let them have a Bond of mine; which they Carried to the Mayor's Court Office & Took-Out a Writ: And one of them coming to my House & Enquiring at the Door for me, I went to him, knowing the Voice, and Desired him to walk in; but he, with some feign'd Cerrimony, refusing; and the Deputy Sheriff Philip Branson being Designedly near by, came in that Interim, & Arrested me. And as I was going with him to Goal, he forced me into a Tavern, where he Called for Wine & other Liquor: And, in the meantime a Cart being brought to the Door by a Mob of Sailors & Others, they Riotously forced me upon it, and Draw'd me through great Part of the City; huzzaing, and Paulting me with Mud & Filth of the Streets, in a manner too Notorious to Recite. And had not his Honour the Governor, together with some of the Magistrates, Rescued me from their Hands; I should certainly have been Murdered.

In a short time after which, as I was got into a Gentleman's back Appartment out of the way of the Mob, the said Branson came to me; and, with a Pistol in his Hand, forced me Behind him on a Horse, in that most shocking Condition, and brought me to Goal, riding at the same time like a Madman, huzzaing and Crying-Out? He had got the Devil behind him & was riding to Hell. Which Affair, I presume, was not only one of the greatest Insults upon Government; but was certainly one of the most Base, Cruel, Ignominious Actions, that ever was Committed in any Christian Country! Barbarity without Example.

I must here Presume to Observe to your Honour, that, when I was in England in the year 1757, I was under a Necessity of taking the Benefit of an Act of Parliament, then in force, made for Relief of Insolvent Debtors, in order to Extricate my Self from some Embarrassments, which I had been Involved in, by one Isaac Gualter Bradick Merchant, late of Madeira, who had Failed there in Trade. And soon after my Arrival here, in the same Year, I acquainted my Creditors of it: Notwithstanding which, some of them Arrested me, and I was Put in Goal on two Actions; one at the Suit of Thomas Penington & Son of Bristol, Survivors to a Bond as I shall hereafter mention, and 'tother at the Suit of R. Fowler Coade of Lime-Regis. And the Case, at the Suit of the said Coade, being brought to a Hearing in Court; the Judges, on my Producing & Proving the Copy of my Discharge in England, Discharged me from that Action on a Common-Appearance, as in such Case the said Act directs. On which, the Person who had Arrested me in the other Action, finding I should be discharged of That in like manner, immediately withdrew it, & Let me at Liberty. And then the Principal & major Part of my Creditors agreed to Conform to the said Act; and accordingly Appointed an Assignee, as in such Case is therein Directed, to take Possession of my Estate & Effects, to Dispose of, not only for their own Use, but also for the Use of the Rest of my Creditors: And soon

after Sent a Letter to that Effect, to the Clerk of the Peace in London, in whose Power, by the said Act, the said Estate & Effects were Vested, requesting him to Send hither an Assignment of the Same to their Assignee whom they had so Appointed; which the said Clerk of the Peace Sent accordingly: And by virtue thereof, the said Assignee, soon after I was brought to Goal as aforesaid, took possession of my Estate & Effects, and Sold the Same at Publick Auction for the Use of the said Creditors, Except my House, as I shall hereafter mention. The Copy of the said Letter, is as follows, Viz.

NEW YORK, July the 4th 1758.

Sir

We whose Names are Under written Principal & major Part of the Creditors of George Spencer of this City Merchant, who Surrendred himself to the Prison of the Fleet as a Fugitive beyond the Seas for Debt, and was Discharged at Guildhall in the City of London on the 31st Day of March 1757 by the late Act of Insolvency, have Appointed M^r Francis Lewis of this City Merchant, to be Assignee, in order to take Possession of the said George Spencer's Estate & Effects, to Dispose of, for the Use of Us and the Rest of his Creditors, agreeable to the Tenor of the said Act, which we Conform to; and to make Dividends thereof according to the Proportion of each respective Debt. And for which Purpose, we Desire you will immediately Make and Send over an Assignment accordingly, of all the said Estate & Effects, to the said M^r Lewis, agreeable to the Schedule left in your office, as we do hereby Apply to you for the Same according as the said Act directs. We are

Sir

Your most Humble Servants.

To—Man Esq^r Clerk of the Peace in London.

(Copy)

Your honour will be Pleas'd to Observe, that the above Letter, as also Three others, all of the same Tenor

& Date, one of which being now in my Possession, was Signed by the Principal & major Part of my Creditors as therein mentioned, and Sent to the said Clerk of the Peace by different Conveyances, for fear of Miscarriage, Except the One, which I kept for my own Security; and the Assignment being accordingly Sent to the said Assignee as aforesaid, he, by virtue thereof, Seized, Sold, & Disposed of all my Goods & Chattels, even to the very Cloaths upon my Back, without ever Consulting me, or Letting me know any one thing Relative to the Matter, nor has not yet to this Day; and would also have Sold my House & Left me here to Perish, had I not prevented him by having the Deeds in my own Possession. Soon after which, when I summoned them to shew Cause of Action for detaining me in Goal, I made a Tender of the said House, in Presence of the Honourable the Justices of his Majesty's Supreme Court of Judicature for this Province, and would then have Delivered up the Deeds for the Use of the said Creditors, provided they would have Discharged me according to the Intent & meaning of the said Act, which they had Agreed to Conform to, as mentioned in their said Letter to the Clerk of the Peace; but one of them, tho' he had Signed the Same, absolutely Refused, as he had some time before Declared that I should never come out of Goal till Carted out in my Coffin. So, as I found he intended me no less Punishment than perpetual Imprisonment for what I had Said to his Honour the Governor, I was under a Necessity of Disposing of the House my Self, in order to Support me in this intended Confinement.

Your Honour will be Pleas'd further to Observe that the chief Debt I owed was to David Clarkson (Father to the Present David) Cornelia Rutgers & Paul Richard, then all of this City, but are since Dead, and Thomas Penington & Son of Bristol, jointly in one Bond; and the three former being Dead as aforesaid, the said Bond devolved to the Two latter, at whose Suit I am now again Confined as I had been once before for the said pretended Debt, altho' I was Discharged for the same by the said

Act; which the said Penington & Son consented to, and soon after acknowledged to me in a Letter from under their Hands; which I can Produce. But notwithstanding I was so Discharged; yet some of the said Creditors here, by having the said Bond in their Possession, have Put it in Suit again as I have said Before, in the Name of the said Penington & Son; tho' I am persuaded those Gentlemen never Sent, or gave any orders or Directions for so Doing; and I am detain'd here meerly out of Spite & Malice, with no other view but to Punish & Distress me, tho' the said Creditors had Agreed to Conform to the said Act, Signed the said Letter to the Clerk of the Peace, and my Goods, &c. had been before Sold by their said Assignee, in Consequence, for their Use. As to the other Debt, for which I was brought to Goal on the 2^d of November as aforementioned I have Discharged it, as I had Contracted it my Self; whereas this Pretended Debt, for which I am now again Confined as I have said before, was Contracted by the said Bradick at Madeira, for which I never Received the least Consideration in Nature, and am not only Discharged from it by the said Act as I have mentioned already, but tis absolutely out of my Power to Pay it; and it cannot be Presumed that any Court in America, will Reverse the Sentence, or Judgment of the Court in England, by which I was so Discharged. Thus your Honor hath a true State of the Case:

And for Endeavouring to Serve my King & Country in a Laudable Affair as I conceived, as I had some time before Done in a Matter which Proved of the highest Consequence to the Nation, and for which a Noble Lord was Pleas'd to do me the Honour to Assure me I should be well Rewarded, I was Arrested; Carted, Mobed &c. about the City; brought to Goal in a most Shameful manner, where I have now been above Two Years confined for a pretended Debt as I have Said before; my Goods, &c. Seized & Sold in Consequence of my Discharge for the Same, by order of the said Creditors, for their Use; am quite Destitute, and nothing Left to Sup-

port me! a Deplorable Case indeed. But I Trust from your Honour's well known great Justice & Clemency that you'll be favourably Pleas'd to Compassionately consider, not only the Unhappy, Miserable Situation I am in thro' meer Spite & Malice, but the Distressed condition of my Poor Family, which is now in want of Bread, and take the Premisses under your immediate Consideration as I have before Presumed to Request: Under which Calamitous circumstances I most humbly Presume to address my Self to your Honour, not only as his Majesty's Representative, who no Doubt will See all his Liege Subjects under your Charge have Right & Justice done them, but also as Chancellor of the High Court of Chancery in this his Majesty's Province; and most humbly Hope that your Honour will be favourably Pleas'd to Examine into this Affair accordingly, as there are some Points relative to my Discharge in England & the Interest of the said Creditors, which the Honourable the Justice of his Majesty's Supreme Court of Judicature aforesaid, are not Appriz'd of; and which I humbly Conceive cannot be Clear'd up for their right Comprehension of the Matter, unless my Oath be Admitted; which I presume cannot be Done in a Court of Judicature or Common Law.

Wherefore, Sir, as the Honourable the said Justices were Pleas'd, in the Term of April last, to Assign Whitehead Hicks & Benjⁿ Kissam Esq^{rs} as my Council & Attorney, to Defend me in forma Pauperis against the said Action; I most humbly Pray that your Honour will be Pleas'd to order or Direct the said Gentlemen, to Lay the said Matter before you; that is, the Act of Parliament in such Case made & Provided, the Proof of my Discharge thereby, and admit my Oath in order to Clear up such Points, not only in behalf of my said Discharge or my Self, but also to the Interest and Advantage of the said Creditors, as may be in Doubt with respect to my said Estate, &c. and the Extension of the said Act, which I humbly Conceive I shall be Able to do beyond Dispute; and most humbly hope that your Honour will be favour-

ably Pleas'd to Order me to be Discharged from this Confinement, as the said Act in this Case directs, as I have Presumed before to Request; having now an Opportunity of going to another Part of the World, where I can be Put immediately into Business to my Satisfaction.

I most humbly Implore your Honour's Pardon for Troubling you with this Long, tho' necessary Detail; Intreat your Indulgence with the Honour of a favourable Answer and Permit me to be

Your Honour's

Most Dutiful and most Obedient Humble Servant

GEORGE SPENCER

GOAL, NEW YORK, November the 25th 1761.

The Honourable CADWALLADER COLDEN, Esq^r

[Indorsed]

The Petition

of

GEORGE SPENCER

Humbly Presented

the 26th Day of November

1761.

From Gov. Josiah Hardy

PERTH AMBOY [N. J.] Nov^r 28th 1761

Sir

As I had the pleasure of seeing You so lately at New York, I shall only for the sake of form acquaint you of my arrival here & that I have taken on my Self the administration of the Government of this Province; at the same time give me leave to assure You that I shall at all times be ready to join my endeavors with yours in promoting his Majestys Service & if I can be of any Service to you in particular be pleased to lay your Commands on me

I am Your Hon^{rs}

most Obedient Humble Servant

JOSIAH HARDY.

The General Assembly of
this province are to meet
the 30th of this month at Amboy.

The hon^{ble} CADWALLADER COLDEN Esq^r

From Rev. Henry Barclay

[NEW YORK December 2^d 1761.]

May it please Your Honour

I have considered the Paragraph of Sir William Johnsons Letter which your Honour was pleased to communicate to me, and beg Leave to observe thereon, that, as it was always my earnest Desire to promote the Interest of Religion amongst the Indians, I am still disposed to do everything in my Power to render a Missionary's Residence amongst them as agreeable as possible. I found by Experience the great Inconvenience of being in Lodgings, which was the only Motive that induced me to accept of the offer made me by the Indians of those Lands, which was at first their own Motion without the least Influence of mine directly or indirectly, as may appear by the Minutes of the Commissioners of Indian Affairs, of the 25th of October 1739. The Lands they gave me were by them pretended to be a free Gift, but I was told at the same time that I must pay the then Proprietors and Occupiers, who were very Numerous which together with Presents to the Sachems and 100^{wt} of gunpowder to the Warriors &c^a fell little Short of the Price of Lands as then purchased from Indians, and with the Patent and Improvements did not cost me less than £500. Upon M^r Ogilvies Succeeding me in the Mission I ordered my Tennant in lieu of the Rent he was to pay me, to Lodge and diet M^r Ogilvie allotting him the best Room in the House: so that the whole Benefit I have had was only four Years Occupation

I am now ready to convey the whole upon the following Conditions viz

1st That the Conveyance be made to The Society for the propagation of the Gospel in Forreign Parts for use of their Missionary, for the Time Being, to the Mohawk Indians

2^{dly} That there be paid me on Executing the Release the Sum of Five hundred pounds Currency, which I have been offered in ready Money last winter, and was

strongly importun'd to sell it; but I neither thought it an equivalent, nor was I dispos'd to part with it on any account but for the Benefit of the Mission

3^{dly} Inasmuch as I agreed with the corporation of the City of Albany to pay them the Yearly rent of one Schepel of wheat for each morgan of the Flats or low clear Land provided they executed a Lease in a legal manner, which they afterwards alledg'd they could not do, unless I would first convey to them the Indian Purchase which was not in My Power, nor did I think myself Oblidged to comply with, I expect to be acquitted from any obligation of warranting the low lands against any Suit or Claim of Said Corporation. If Sir William Shall think these Terms reasonable, and can find means to make the Purchase, I intend to make a Present towards putting the House & Farm in Repair. If Sir William Should think these Terms unreasonable I shall be ready to consider any proposal he shall be pleased to make I am with all Dutiful Respect

Your Honours

Most Obedient and Most Humble Servant

HENRY BARCLAY

NEW YORK December 2^d

1761

The Patent contains 320 Acres.

The Hon^{ble} CADWALLADER COLDEN Esq^r

*Additional Instructions for Gov. Robert Monckton
Concerning Indian Land Deeds*

[Dec. 9, 1761.]

George R.

[Seal]

ADDITIONAL INSTRUCTION FOR
OUR TRUSTY AND WELBELOVED
ROBERT MONCKTON ESQ^r, Our Cap-
tain General & Governor in Chief of Our
Province of New York, & the Territories
depending thereon in North America; And
in his Absence to Our Lieutenant Governor

or Commander in Chief of Our said Province for the Time being. Given at Our Court at S^t James's the Ninth Day of December 1761, in the Second Year of Our Reign.

WHEREAS the Peace & Security of Our Colonies & Plantations upon the Continent of North America, does greatly depend upon the Amity and Alliance of the several Nations, or Tribes of Indians bordering upon the said Colonies & upon a just and faithful Observance of those Treaties and Compacts, which have been heretofore Solemnly entered into with the said Indians, by Our Royal Predecessors, Kings and Queens of this Realm. And Whereas notwithstanding the repeated Instructions which have been from time to time given by Our late Royal Grandfather, to the Governors of Our several Colonies upon this Head, the said Indians have made & do still continue to make great Complaints; that Settlements have been made & Possession taken of Lands the property of which, they have by Treaties reserved to themselves, by Persons claiming the said Lands, under Pretence of Deeds of Sale & Conveyance, illegally fraudelently and surreptitiously obtained of the said Indians, And Whereas it has likewise been represented Unto Us, that some of Our Governors or other Chief Officers of Our said Colonies, regardless of the Duty they owe to Us, & of the Welfare & Security of Our Colonies, have countenanced such unjust Claims and Pretensions by passing Grants of the Lands so pretended to have been purchased of the Indians We therefore taking this Matter into Our Royal Consideration, as also the fatal Effects, which would attend a Discontent amongst the Indians, in the present Situation of Affairs & being determined upon all Occasions to support & protect the said Indians, in their just Rights & Possessions & to keep inviolable the Treaties & Compacts which have been entered into with them, Do hereby strictly enjoyn & command, that neither yourself nor any Lieutenant Gov-

ernor, President of the Council or Commander in Chief of Our said Province of New York, do upon any pretence whatsoever upon pain of Our highest Displeasure & of being forthwith removed from your or his Office, pass any Grant or Grants to any Persons whatever, of any Lands within or adjacent to the Territories possessed or occupied by the said Indians, or the Property or Possession of which has at any time been reserved to or claimed by them. And it is Our further Will & Pleasure, that you do publish a Proclamation in Our Name strictly enjoinng & requiring all Persons whatever, who may either willfully or inadvertently have seat'd themselves upon any Lands so reserved to, or claimed by the said Indians without any lawful Authority for so doing, forthwith to remove therefrom. And in case you shall find upon strict Enquiry to be made for that Purpose, that any Person or Persons do claim to hold or possess any Lands within Our said Province upon pretence of Purchases made of the said Indians without a proper License first had & obtained; either from Us or any of Our Royal Predecessors, or any Persons acting under Our or their Authority, you are forthwith to cause a Prosecution to be carried on against such Person or Persons who shall have made such fraudulent Purchases, to the End, that the Land may be recovered by a due Course of Law. And Whereas the wholesome Laws, which have at different Times been passed in several of Our said Colonies & the Instructions which have been given by Our Royal Predecessors, for restraining Persons from purchasing Lands of the Indians, without a License for that purpose & for regulating the Proceedings upon such Purchases, have not been duly observed; It is therefore Our express Will and Pleasure that when any Application shall be made to You, for Licence to purchase Lands of the Indians you do forbear to grant such Licence until you shall have first transmitted to Us by Our Commissioners for Trade & Plantations, the particulars of such Application, as well in respect to the Situation, as the Extent of the Lands so proposed to be purchased, & shall have

received Our further Directions therein. And it is Our further Will and Pleasure, that You do forthwith cause these Our Instructions to you to be made public not only within all parts of Our said Province Inhabited by Our Subjects, but also amongst the several Tribes of Indians, living within the same, to the End that Our Royal Will & Pleasure in the Premises may be known & that the Indians may be apprised of Our Determined Resolution to support them, in their just Rights, & inviolably to observe Our Engagements with them.

G.R.

[Indorsed]
Additional Instruction
for ROBERT MONCKTON, Esq^r.
Gov^r of New York

From Gen. Jeffery Amherst

NEW YORK 11th Decem^r 1761

Sir,

I Have just now the favor of Your Letter of this days date, Enclosing some Papers regarding the Captivity of Several of His Majesty's Subjects amongst a Tribe of the Delaware Indians; and Requesting me to take some Effectual Method to Relieve those miserable Objects of Compassion.

As Sir William Johnson is to have a meeting with the Several Tribes of Indians; in order to Lay before them his Transactions with their Western Brethren at the Detroit, &ca; I shall immediately transmit to him, Copies of the Above papers, and Desire Sir William to take such Measures as shall appear to him the most proper for Inducing those Indians to deliver up any of His Majesty's Subjects that may be remaining with them; and as matters now stand, I am hopefull, upon Sir William's Representation, they will not dare to refuse to Comply with his Request.

I am, with great Truth & Regard,

Sir,

Your most Obedient Humble Servant

JEFF: AMHERST

Hon^{ble} Lt Gov^r COLDEN.

*From Board of Trade*WHITEHALL [LONDON] Decem^r 11th 1761.

SIR

The inclosed Instructions, signed by His Majesty, will fully inform you of the result of Our Deliberations upon those two points in your several Letters to Us, to which the Instructions refer, and the inclosed copy of Our Representation to His Majesty, will more particularly point out to you our opinion upon them, and the Light in which they appeared to Us.

We have maturely considered the Bill passed by the Council and House of Representatives, "for preventing Disputes and Controversies which may arise by the Demise of the Crown" and are fully convinced that those parts of the Bill which continue the Assembly for six months after the Demise of the Crown, and which establish the legality of the Acts of Government done between the demise of the Crown and the notification of it in the Colonies, are both inexpedient and unnecessary.

The Reasons which existed in this Country for continuing the Parliament for Six months after the demise of the Crown, do not in any (or at least in a very small) degree, extend themselves to the Colonies: no Complaint, that We know of, has ever been made of any Inconvenience or Obstruction to the Administration of Government in any of the Plantations, from the want of such a Constitution, nor has any doubt ever arisen (except in one single instance) as to the validity of Acts done in the name of the deceased King before such Decease was known or promulgated. We might quote many Cases which have happened, even here in England, to support this opinion, but the Case speaks for itself and renders the Evidence of Facts unnecessary.

As to those parts of the Bill which relate to the Courts of Justice, they are either Willfully or Carelessly so obscured, as to render it altogether impossible for Us to judge of what is meant by them; there can be no doubt but that the Courts are in all Cases, bound to

proceed conformable to the Powers and Authorities given them by the Common Law, the Statutes of England and those Laws of the Colony, by which they are established, provided such Laws are consonant to Reason and the Laws of England: The demise of the Crown does neither take any from or add to that jurisdiction or the Authority of their proceedings; and any regulations, with respect to this matter, by Provincial Laws, appear to Us, not only unnecessary, but improper, as the Act of the first of Queen Ann, which extends to the Plantations, has fully provided for the Continuance of all Courts of Judicature of every kind, and for establishing their proceedings, notwithstanding the demise of the Crown.

Under these circumstances We cannot but consider this Bill as both unnecessary and improper, and are of opinion it ought not to be passed into a Law.

There is one other matter contained in your Letter to Us upon which We could have wished to have given you Our Sentiments by this opportunity, and that is the doubts which had occur'd in the Case of the Captain and Crew of the Sampson Privateer, with respect to the want of an Authority to Try and Punish Persons guilty of Murder within the Admiralty Jurisdiction: But as this is a Question of great delicacy in point of Law, We have thought it Our duty to refer it to the Consideration of His Majesty's Attorney and Solicitor General, and also to the Advocate General; and must defer giving any opinion or taking any Steps upon it untill they have made their Report. We are,

Sir,

Your most obedient humble Servants,

SANDYS

E: BACON

GEO: RICE

JOHN ROBERTS

CADWALLADER COLDEN, Esq^r Lieut^t
Governor of New York

From Earl of Egremont, Secretary of State

WHITEHALL [LONDON] 12th Dec^r 1761

Sir,

The King having taken into His Most serious Consideration, how highly essential it is to the Interests and Security of His Subjects in North America that the Regular Regiments, serving in that Country, be recruited with all convenient Expedition, to their full Complement of Effectives and, at the same time, seeing the Impracticability of Compleating them from Great Britain, considering how this Country is drained, by the Great Number of Men furnished for the various Services in all Parts of the World: I am, therefore, to signify to You the King's Pleasure, that You do, immediately, on the receipt of this Letter, exert your utmost Influence to Induce your Province to carry into the most speedy and Effectual Execution, this very important Object, by immediate Compliance with any Requisition, which Sir Jeffery Amherst shall, in consequence of his Majesty's Orders make for furnishing, on certain Conditions, which He will Explain to You, such a number of Recruits, from Your Province, as he shall demand, as their Quota towards compleating the Regular Regiments, which have been sent to America, for the Defence & Protection of the Possessions of His Majesty's Subjects there. And the King cannot doubt, but that the Provinces will chearfully and readily comply with this reasonable Demand, so obviously calculated for their own Security & Advantage, at the same time that Your Zeal for His Majesty's Service will naturally excite you, to use all your Influence & Power, in bringing effectually to bear, a Measure which His Majesty has so much at heart, and with regard to which, any Failure or Disappointment would be Extremely disagreeable

I have it also in Command from the King to acquaint You, that, tho' the present situation of affairs would have fully justified the having required of the Provinces, as large a Number of Men, as they ever have raised, for

any of the former Campaigns, instead of the Quota, which was demanded the last Year, yet His Majesty considering the high Importance of the Service, which makes the Subject of this Letter, & being desirous to ease the Burthens of his faithful Subjects, as far as shall be consistent with their own safety, has been pleased to require only the same Number of Men, as for the last Year, in order, thereby to facilitate a Measure, so essential as the compleating the Regular Regiments by Recruits to be furnished from the Provinces in North America; And the King is persuaded that the said Provinces, duly sensible of His Majesty's tender & paternal care for their Welfare, will, in return, readily and Chearfully comply with the Orders now sent You.

I am, with great Truth and Regard

Sir,

Your most obedient humble Servant

EGREMONT

Lieu^t Gov^r of New York,

[Indorsed]

Earl of Egremont's, Letter

to the Lieutenant Governor

2 Mar 1762. Original Read in Council

Signifying his Majesty's Pleasure that Recruits should be raised in the Colonies for the Regular Regiments

From Earl of Egremont, Secretary of State

WHITEHALL [LONDON] 12th Decem^r 1761

SIR

AS the King has nothing so much at Heart, as to secure & improve the great & important Advantages, gained since the Commencement of this War, in North America, and having seen His good Dispositions to restore the Public Tranquillity, entirely frustrated by the Insincerity & Chicane of the Court of Versailles, in the late Negotiation; And as nothing can so effectually contribute to the great & essential object of reducing the Enemy to the Necessity of accepting a Peace, on Terms of Glory & Advantage to His Majesty's Crown, & bene-

ficial, in particular, to his Subjects in America, as the King's being enabled to employ, as immediately as may be, such Part of the regular Forces in North America, as may be adequate to some great & important Enterprize against the Enemy; I am commanded to signify to You the King's Pleasure, that, in order the better to provide for the full & entire Security of His Majesty's Dominions in North America, & particularly of the Possession of His Majesty's Conquests there, during the Absence of such Part of the regular Forces, You do forthwith use your utmost Endeavours, & Influence, with the Council & Assembly of your Province, to induce them to raise with all possible Dispatch, within your Government, at least the same Number of Men they raised the last Year, viz^t Two Thirds of what had been levied for the former Campaigns, & forming the same into Regiments, as far as shall be found convenient, that You do direct them to hold themselves in Readiness, & particularly as much earlier than former Years, as may be, to march to such Place or Places, in North America, as His Majesty's Commander in chief there shall appoint, in order to be employed there, under the supreme Command of His Majesty's said Commander in chief in America, in such Manner as he shall judge most conducive to the King's Service; And, the better to facilitate this important Service, the King is pleased to leave it to You to issue Commissions to such Gentlemen of your Province, as you shall judge, from their Weight & Credit with the People, & their Zeal for the publick Service, may be best disposed, & able to quicken & effectuate the speedy levying of the greatest Number of Men; In the Disposition of which Commissions, I am persuaded, You will have nothing in View, but the Good of the King's Service, and a due Subordination of the whole to His Majesty's Commander in chief; And all officers of the Provincial Forces, as high as Colonels inclusive, are to have Rank, according to their several respective Commissions, agreeable to the Regulations contained in His late Majesty's Warrant of

the 30th of December 1757, which has been renewed by His present Majesty.

The King is further pleased to furnish all the Men, so raised as above, with Arms, Ammunition, and Tents, as well as to order Provisions to be issued to the same by His Majesty's Commissaries, in the same Proportion and Manner as is done to the rest of the King's Forces; The whole, therefore, that His Majesty expects & requires from the several Provinces, is, the Levying, Cloathing and Pay of the Men; And on these Heads also, that no Encouragement may be wanting to this great & salutary Service, The King is further most graciously pleased to permit me to acquaint You, that strong Recommendations will be made to Parliament, in their Session next Year, to grant a proper Compensation for such Expences as above, according as the active Vigour and strenuous Efforts of the respective Provinces shall justly appear to merit.

It is His Majesty's Pleasure, that You do, with particular Diligence, immediately collect, & put into the best Condition, all the Arms issued last Campaign, which can be any ways rendered serviceable, or that can be found within your Government, in order that the same may be again employed for His Majesty's Service.

I am further to inform You, that similar Orders are sent by this conveyance, to New Hampshire, Connecticut, Rhode Island, Massachusetts Bay and New Jersey; The Southern Governments are also directed to raise Men in the same Manner, to be employed in such offensive Operations, as the Circumstances and Situation of the Enemy's Posts, and the State & Disposition of the Indian Nations, on that Side, may point out, & require.

It is unnecessary to add any Thing to animate your Zeal, in the Execution of His Majesty's Orders, in this important Conjuncture, which is finally to fix the future Safety and Welfare of America, & of your own Province in particular; and the King doubts not, from your known Fidelity & Attachment, that You will employ yourself

with the utmost Application and Dispatch in this promising and decisive Crisis.

I am, with great Truth and Regard,

Sir,

Your most obedient humble Servant

EGREMONT

Gov^r of New York.

[Indorsed]

Sectty of States Letter
signifying his Majesty's Pleasure
that the same number of Provincials
should be raised as was last year.

From Gen. Jeffery Amherst

[1761?]

Wednesday Morn past 9 oClock

Dear Sir

I have only had time to run over cursorily the papers, I send the whole to you, and you will be so good to return me those belonging to the other Provinces when you think proper. I should like wise be glad to peruse those relating to this place. I am with great truth

Your most obedient Humble Servant

JEFF: AMHERST

Hon^{ble}

L^t Governour Colden.

From Peter Collinson

LONDⁿ [1761?]

It is really a Satisfaction that I cant express to Hear my Dear Friend, Has Such Spirits & Activity to discharge the Functions of His office with Such Ease to Himself & pleasure to others concerned in Publick affairs I See by your Acts that have passed a Long & fatiguing Sessions, but it was an Act of Providence your Presideing & the same powerfull Hand Supports you which must be a Comfort to your Self & all your Friends

I am glad to Hear the Indians are disposed to Peace
I only Wish that retaliation could be taken & those Tribes
that have been the most Cruel

But See the Barbarity of Some Pensilvanians what an
example is this to confirme & Encourage the Indians to
make reprisals— But I hope the Proclamation & reward
will bring the Agressors to Light to be made examples as
they Justly deserve and I hope those Incendaries of
French at Mont[real] & Quebeck will meet with their
reward by the hands of Justice

I am intirely unacquainted with general Monckton
& know not where to informe my Self of his Resolutions

Wee are So unsettled at the Helm I cannot Learn who
is to command in America at present writeing

As I knew your knowledge in Botanic Science the In-
closed may be allowed a Reading, to any One Ignorant
of it would be Impertinent

Loblolly Bay the Aleca Floridana Lin^s Sp: Plant p. 783
but now Linneus made it an Hypeneum

All Spice Tree of So Carolina	{ Butneria by the French Botanists { Basteria—In Millers Dictionary { Beureria—By Mr. Eheret { Calycanthus by Linnaeus
----------------------------------	---

I have 4 Speces of Magnolia in my Garden	{ Linnaeus is not Clear but hath blended { the Umbr[e]lla with the Mountain { Magnolia they are both Dissiduous, { the Last was Sent by Bartram & grows { in your back mountains
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[Indorsed]

To the
Hon^{ble} CADWALLADER COLDEN Esq^r
Governor of New York

From Earl of Egremont, Secretary of State

Sir, WHITEHALL [LONDON], Janry 7th 1762.

His Majesty, having found it necessary to declare
War against the King of Spain, was pleased, in a Coun-

cil, held on Saturday last, at S^t James's, for that Purpose, to sign the inclosed Declaration, and to order, that the same should be published on Monday, the 4th Instant, by the Heralds at Arms, in the usual Places, and with the accustomed Formalities, which has been accordingly done. You will find the just, & indispensable Reasons, which have forced the King to take this Measure, so fully set forth in the above Declaration of War, that I am only to signify to you His Majesty's Pleasure, that you do cause the same to be proclaimed in the Province of New York, under your Government, in order that the King's Subjects, having this Notice, may take Care to prevent any Mischief, which otherwise, They might suffer from the Enemy, and do their Duty, in their several Stations, to distress, and annoy the Subjects of Spain; and His Majesty would have you be very rigorous & severe in preventing any Provisions, Ammunition, or Stores, of any kind, from being carried to them, and you are to use all proper Methods, that may be most effectual for that Purpose.

I am, with great Truth & Regard,

Sir,

Your most obedient humble Servant

EGREMONT

Gov^r of New York

P.S. His Majesty has been pleased to order Letters of Marque, or Commissions to Privateers, to be granted in the usual Manner.

[Indorsed]

Secretary of States Letter inclosing
His Majesty's Declaration of War agst Spain.
April 1st Read in Council & entered

From Chief Justice Benjamin Pratt to Thomas Pownall

[Copy]

S^r

NEW YORK Jan^y 7 1762

Tis with the greatest Reluctance that I trouble so good a Friend with my Cares & Perplexities but I hope

your Benevolence will Excuse the Freedom Necessity obliges me to take. Since my last, which was filled with the Suggestions of my Fears; I received the Mandamus that you was so kind as to procure for me; & thereupon came to this Place, where I find Things even worse than my Fears

The Sessions wherein the Salaries are usually granted is over & not one Farthing Granted to me

The Gov^{erent} the new Commander in Chief by Message & every other proper Method attempted to prevail on the assembly to grant an adequate Salary but all had no other Effect but only to unmark their Designs & Then their Determination that the Crown should not Send them a Chief Justice nor the Gov^r commission any as he was commanded to commission me, that is *During his Majestys Pleasure*—They voted indeed £300 N York Currency for one Year & assigned in the Vote this Reason for giving no more “That Men of the Best Fortune & Abilities among them would Serve for that” This Pittance is equal to about £160 sterl^s. Yet it was now granted only on Condition that I should be commissioned in a Manner Contrary to the Tener of the King’s command which they knew the Lieu^t Gov^r would not Violate & therefore that they Gave me nothing

Into this unfortunate State I am plunged & have only this alternative left, either to return with Disappoint & Loss to Seek my Business now gone into other Hand[s,] or else to Sollicit the Crown to vindicate its own Rights by Supporting me

I think it my Duty to try the Efficacy of the Latter, before I have Recourse to the former; I therefore beg Leave to observe that the Quit Rent Fund is now cleared of the Ariearages which incumbered it & besides pay^s the Annuities that are now charged upon it, will be Sufficient to pay a Salary of £400 Ster^s p^r An. to a Ch: Justice & leave a Surplus for other Purposes

This Salary will not be more than Adequate to the Maintenance of a Ch: Justice considering the extrava-

gant Augmentation of the Expence of Liveing here And if granted would greatly contribute not only to Secure & perpetuate the Dependance on the Mother Country but to preserve the Lands of the Crown & the Kings Quit Rents from Usurpation

The Granting Commissions as they were before, that is During good Behavior, is now the Popular Demand & made the inflaming Topic but at Bottom the Point in View is to compel the Crown to appont one of themselves Ch: Justice 'Tis unhappy for a Judge who is determined as such to do his Duty to have anything to fear either from a future Capricious Gov^r if there should be such or from *Civium Ador prava Jubentium* tho' the last of these two Evils is the Greatest. But why must there be a Necessity for either?

Things are now come to their Crisis. If I cannot be Supported with a Competent Salary the office must be abandoned & his Majestys Interest & his Prerogative must Suffer here thereby

The Lieu^t Gov^r is so Sensible of this that he now writes to the Secretary of State & to the Board of Trade on this Subject & hopes that an order may be obtained on the Receiver of the Quit Rents here for a proper Salary

As I wish for nothing but what it would be for his Majestys Service to Grant I beg you would be once more so kind as to interpose your good offices for me & join your Endeavours to Serve the public & at the Same Time therein make one Grateful Person happy

I thought it necessary in my present Circumstances to apply for Redress & know of no other method than I now presume to take Whatever the Event may be it is of great Consequence to me to know very soon therefore beg you would please to advise me as soon as possible for if I can not by some Expedient or other obtain a Support in my office I must ask Leave to resign it & this must be done before my Business is irretrievably Lost I am S^r

To THO^s POWNALL Esq.

N.B. I send the above under Cover to John Gardiner Esq. at the Inner Temple with a Copy thereof for his Information & desire him in Case of M^r Pownalls absence to Sollicit the Affair for me

[Indorsed]

Copy Chief Justice PRAT's Letter
to Mr POWNAL

From Gov. Thomas Boone

CHARLES TOWN [S. C.] Jan^{ry} 18th 1762

Sir

I give you the Usual Notification of my having taken upon me the administration of this Province, in order that such an Intercourse may be Established, as his Majesty's Service may Require and Am

Sir

Your most Obedient Humble Servant

T. BOONE

L^t Gov^r COLDEN

From Sir William Johnson

FORT JOHNSON Febr^y 7th 1762

Dear Sir

Upon a former letter of mine you were pleased to assure me, that, I should be acquainted whenever there was a New Commission of the Peace to be made out, and that my recommendation should have a due weight with You as I am now informed by letter from the Members of this County (who desire a list from me of those whom I think most proper for this part of y^e County) that a new Commission of the Peace is shortly to Issue. I Judged it proper to remind you thereof, and to send you the inclosed names of such Persons as are really the best qualified of any in these parts to Serve as Justices of the Peace, and therefore beg leave to recommend 'em for that

office assuring you that nothing but the Publick good, and my desire to see Justice more equitably dispensed throughout the Country could induce me to wish any change in the present civil Magistrates.

I hope you have e're now received my last Packet with the Indian proceedings, and affidavits relative to Klocks behaviour, and the Land in dispute, on which Subject, I should be glad to be favoured with your and the Gentlemen of the Councils Sentiments as soon as convenient.

I am with perfect Esteem

Dear Sir

Your most obedient and most Humble Serv^t

W^m JOHNSON

P.S. if M^r Daniel Campbel was to be made a Justice for Schenectady, I am certain he would make a verry good one. I forgot to mention his name in the list to the Members.

The Hon^{ble}
Lieut. Governour COLDEN

From Gen. Jeffery Amherst

NEW YORK, 9th February 1762

Sir,

By the General Wall Packett which arrived here this Morning, I am Honored with a Letter from the Earl of Egremont, One of His Majesty's Principal Secretaries of State, Bearing date the 12th Decem^r last; wherein His Lordship is pleased to Acquaint Me, that as the King has nothing So much at heart, as to Secure and Improve the great & important Advantages gained Since the Commencement of this War in North America, and having Seen His good Dispositions to Restore the Publick Tranquillity entirely frustrated by the Insincerity & Chicane of the Court of Versailles in the late Negotiations; His Majesty is again obliged to take into His Royal Consid-

eration, what Ulterior operations can be entered upon, by Such part of the Troops Under my Command, as can be Spared for other Service, without the least Diminution of the full and Entire Security as well of His Majesty's former Dominions, as of those Acquired by Conquest in North America: In order that Every thing May be in readiness for an Early Campaign, and to be able to Employ an Adequate Number of the Regular Forces in whatever Attack May be Resolved upon, His Majesty has thought it necessary to Lose no time, in Dispatching His orders to the Several Governors in North America, for Levying with the utmost Expedition, the same Number of Men they respectively raised for the last Campaign

His Majesty's Directions, on this Subject, to the Several Governors, are so fully Specified in the Circular Letter wrote by the Earl of Egremont, of which His Lordship has sent me a Copy, that it only remains with me, Most Earnestly to Entreat You to Lose no time in Convening Your Assembly, & laying before them the aforesaid Letter of the Secretary of State; and that You will forthwith Use Your utmost Endeavors & Influence with the Council & Assembly, to Induce them to raise, with all possible Dispatch, within Your Government, the Same Number of Men they raised for the last Campaign.

I cannot think, Sir, that I need Urge any Arguments to Convince You of the Necessity of an Early Compliance with His Majesty's Commands, as it is more than probable that this Campaign, if Opened in time, & Carried on with Vigor, must be that, which will at last Compell Our Enemy to treat, in Earnest, on Such terms, as will be Equally glorious & advantageous for His Majesty's Crown & permanently beneficial to His American Subjects; and I therefore trust the Assembly will Enable You to put those Commands into Immediate Execution, Since they terminate in a point, wherein they are so nearly concerned, & that the King's principal object has been for their present Security, as well as their future welfare & Prosperity.

You will observe by the Earl of Egremont's Letter that as a further Encouragement to a proper Exertion on the part of the Provinces, His Majesty has ordered as heretofore, that the Provincial Forces should be victualled in the Same Manner, & in the Same Proportions as the Regulars, & that they should be Supplied with Arms & Tents at the Expence of the Crown: Moreover that Strong Recommendations will be Made to Parliament in their Session next Year, to Grant a Compensation to the Provinces, According as their respective Vigor & Strenuous Efforts shall Justly Appear to Merit

I Have it also in Command from His Majesty to Enjoin You, to Collect, and Cause to be put into proper Condition, all the Serviceable Arms that can be found within Your Province, for Every one of which that shall be brought to the Field, & shall not Return by reason of being Spoiled, or lost in Actual Service, I shall pay the Usual allowance of Twenty five Shillings per Fire-lock.

As it is very Essential to the Services I may have in Command from the King, that I should be, as Early as possible Informed of the Resolves of Your Assembly on this head, and of the time that the Troops will be ready, I beg that as soon as You are Acquainted therewith, You will Signify the Same to Me, that I may Regulate Myself Accordingly.

I Have likewise received a Letter from the Earl of Egremont, of the same date with the former, Signifying His Majesty's Intentions of Compleating the Regular Regiments Serving in America, by Recruits to be Raised by the Several Provinces (over and above the Quotas demanded in the other Letter) on Such terms, & Conditions, as I shall propose: I shall, in obedience thereto, so soon as I have fixed on the Numbers necessary to be furnished by the respective Provinces, Communicate to You the Encouragements which His Majesty is graciously pleased to Empower me to give for Effecting

this most Essential Service; and in the meantime, I think it my Duty to Acquaint You of this Intended Measure, that You may be prepared for Exerting Your utmost Influence with Your Assembly, to grant the Number of Men, that I shall be obliged, to require of Your Province, that His Majesty's Commands may be duely obeyed.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

JEFF: AMHERST

Hon^{ble} Lieut. Governor COLDEN

[Indorsed]

Gen. AMHERST's letter
for Raising Provincials

From Benjamin Pratt

Feb. 12 1762

S^r

The Sherif informs me that he has taken all Possible Measures that the Time will allow to procure a Hangman for the two Persons that were to have been executed this Morning & that he can procure None I think it would be hard to oblige the Sherif to act the Hangmans Office in Person if it could be avoided. D^r Barclay tells me the Persons to be executed are extremely Desirous of a Little more Time to prepare for Death for the above Reasons & considering the Time is now near I take the Liberty to recommend it to your Hon^{rs} to give a short Reprieve to the two Prisoners viz^t Higgins & Anderson

I am y^r Most Hum. Serv^t

B. PRAT

To the Hon^{ble}

The Commander in Chief

[Indorsed]

To

The Hon.

CAD. COLDEN Esq

Commander Chief

Chief Justice PRAT's Letter recommending

a short Reprieve for HIGGINS & ANDERSON

From Gen. Robert Monckton

FORT ROYAL ISLAND OF MARTINIQUE

Feb^{ry} y^e 14th 1762

Sir

A few Days ago I was favour'd with your letter of the 9th Jan^r. You may be assur'd that it will always give me Pleasure to hear of the Welfare of the Province of New York, & that Everything is Quiet there.

It is with pleasure I acquaint you of the Signal Success of His Majesty's Arms on this Island in the Reduction of the Strong Fortress of Fort Royal, which Surrender'd by Capitulation the 5th in Consequence of two Different Defeats the Enemy Received on the 24th & 29th Jan^{ry} in their Strong Posts, on the Morpe's [?] Tartanson & Garnier in which they had not less than a Thousand Men Kill'd & Wounded, and many taken Prisoners, Our loss not being more than Half there's. I have not time to add more as I am just setting off for St Peters, as Terms are near agreed on for the Capitulation of the whole Island, Above one Half had Capitulated on the Surrender of the Fort, but the Gov^r then held out, he has since thought better of it

I must beg that you will Present my Compliments to the Gentlemen of the Council & M^r Kennedy

I am

Sir

Your most Obedient Hum^{ble} Serv^t

ROB^t MONCKTON

L^t Gov^r COLDEN.

Cadwallader Colden to Sir Jeffery Amherst

[Copy]

NEW YORK 17th February 1762

Sir

From some Circumstances that have come to the Knowledge of the Sherif, since Friday last, on which Day

two Criminals now in Goal were to have been executed, he is apprehensive an Attempt would have been made to rescue them, had not I reprieved the Prisoners until Friday next; and as the Sherif is still under the same Apprehensions, I shall order a Party of the Militia to attend the Execution, and prevent any obstruction in so essential a part of his Duty. But as the attendance of the Militia on such Occasions has not been usual, and they may possibly excuse themselves by Payment of the Fine which the Law imposes in Cases of non-Appearance, His Majesty's Council have advised that I should apply to your Excellency that you will be pleased to order the Party of his Majesty's Forces quartered in the City Barracks to guard the Sherif and Civil Officers against any Insult and to prevent a Rescue should any Persons be so daring as to attempt it.

At the same Time I must desire your Excellency will be pleased to issue your Order to the Masters of the Transport Vessels in the King's Service, to detain their Men on board their respective Ships during the Execution, as the Appearance of so many of them on Friday, hath given Cause to suspect they would have join'd had any Riot happen'd.

The few Artillery Men in Garison I think it may be proper to keep in the Fort, in readiness upon Emergency.

His Excellency Sir Jeffrey AMHERST

From John Temple

BOSTON 20th February 1762

Sir

Inclosed is Coppys of Gov^r Bernards & Governor Wentworths Proclamation to the Civil & Military Officers of their Governments to be aiding & assisting to me, & to the Officers of the Kings Customs in their Respective Governments, & as I may have Occasion to call for the same assistance in your Province I now Request the same

order from you, & I shall be obliged to you to Inclose me two or three of the papers when it is published. I am Sir

Your most obedient & most humble Servant

JOHN TEMPLE

[Indorsed]

Mr TEMPLE'S Letter

Answered March 15th & Copies
of Printed Advertisement Inclosed

From Gen. Jeffery Amherst

NEW YORK 21st February 1762

Sir

As I acquainted you in my Letter of the Ninth Instant, that I had been Honored with his Majesty's Commands for Compleating the Regular Corps serving in North America, by Recruits to be raised by the several Provinces, on such Terms and Conditions as I should propose; in Consequence of these Commands and in obedience thereto, I have duly Considered not only the Numbers that will be Necessary to be furnished by the Respective Colonies, but the Encouragements to be given to Induce the Men Voluntarily to Enter into the service which I am persuaded, will, if properly backed by the Provinces, have the Desired Effect.

The Number of Men Expected from your Province for this Service, with the Method proposed for Raising them I shall now lay before you; and the Earl of Egremonts Letter, which I herewith Enclose to you, will shew you how much the King has this Measure at Heart, and how disagreeable any failure or Disappointment therein would be to his Majesty

The Quota to be furnished by your Province agreeable to the Proportions from the other Colonies, is Four hundred and Seventy Nine Men, I must therefore most Earnestly Request you will use your utmost Influence with the assembly to raise that Number, over and above those already Demanded by my Letter of the Ninth

Instant, by paying them the same Levy Money as to the others; and as an Encouragm^t to Induce the Men to Enter into the Regular service I propose to allow five pounds New York Currency Bounty Money to each Man not under Eighteen nor above Forty Years of Age, who shall Enlist to serve during the War, or until the Regiments return to Europe: They shall be Cloathed and enter into immediate pay without any further Expence to the Province than their first Levying; and at the Expiration of their time as above mentioned, shall be sent back to their Respective homes: And in order to Encourage the Provincial Officers to forward this Essential service I leave it to you to appoint any Officer or Officers You shall think proper to persuade the Men to enter into the Regular service, on the above Conditions, for every one of which that he shall so Enlist, and that is approved of by a Regular Officer, whom I shall Appoint for that purpose the said Provincial Officer shall receive a Reward of Forty shillings New York Currency; It will therefore be Necessary that I have the Earliest Notice of the time when you think the Men will be Raised, that I may send an Officer to approve of them, Receive them; and to pay the Bounty and Reward as already promised.

I have only to add that to render this service Effectual, and Prevent Desertion, I shall Expect the Province will provide for Replacing such Men as do Desert, which when known, I am persuaded will prevent any of them from leaving their Corps, since they Cannot expect Protection in the Colonies.

You will please to observe that the Execution of this Measure must by no Means Retard or Interfere with the Requisition made by his Majesty for the Provincial Service: The King ever mindful of the ease and welfare of his faithful Subjects demands only such assistance as may be Granted without Subjecting them to any heavy Burthen; and therefore has been pleased to make his Requisitions agreeable thereto, and I trust from your known Zeal for his Majesty's Honour and the good of the service you will Enforce the Necessity of Both measures,

when you meet your assembly in such a manner, that as these Measures are Calculated for the prosecution of a War, in which the immediate security, and future Interests of the Provinces are so Essentially concerned, they will Chearfully and readily comply with his Majesty's Commands, and thereby approve themselves faithfull and obedient Subjects to the best of Kings.

I am, with great Regard

Sir,

Your most obedient Humble servant

JEFF. AMHERST

Hon^{ble} L^t Governor COLDEN.

[Indorsed]

General AMHERSTS Letter for
raising 479 Recruits in this Province
for the Regular Regiments in America

2d March 1762. Original read in Council

Cadwallader Colden to Gov. Josiah Hardy

[Copy]

NEW YORK 9th March 1762

Sir

On the 4th day of May last I had the Honour of Writing to your Excellency's Predecessor M^r Boone, urging his Assistance in procuring from Messieurs Robert & Ezekiel Hartshorne of your Province, a Conveyance of their Right to a Spot of Ground, convenient for the erecting a Light House on Sandy Hook; intimating that a Consideration would be given for it by this Government, far beyond the Value at which it was estimated here: and upon M^r Boones Interposition, they were prevaild on to agree with the Gentlemen appointed for this Service, to convey four Acres for the Sum of seven hundred and fifty Pounds.

I inclose your Excellency Copies of the Agreement and of the other Papers necessary for your Information, whence it appears, that besides the Payment of that

sum, the Gentlemen concerned on the part of New York, promis'd to use their Endeavours to obtain a Law, which the Proprietors of Sandy Hook conceived might relieve them for the future from those Trespasses of which they complain'd, by making such as should be committed thereafter, actionable in this Province. In Consequence whereof a Bill was brought into the Assembly, with a Clause therein adapted, to the Case of the owners, but it appearing on the most mature Deliberation, and the opinion of Council in the Law, that the Clause, if enacted, would be unavailable, the Bill was drop'd. And Mess^{rs} Hartshorne's on being informed of this Circumstance, without any other Reason assign'd, refus'd and still absolutely refuse to comply with their Agreement, altho the obtaining such a Law, could it have operated in their Favour, was no Condition on which the Agreement was founded, but for the obtaining whereof the Gentlemen of this Province were to have us'd their Endeavours, in which I assure your Excellency they have been no ways wanting.

That a Measure of so much utility, not only to the King's Service, in the Preservation of his Navy, but for the Publick Good, in the great additional Security it will afford to the Lives and Property of his Majesty's Subjects, may not be defeated by any private Consideration, especially where the Soil, saving for this particular Use, is wholly unprofitable; I must renew my Request, that if your Excellency shall be of Opinion conciliating Methods will still prove ineffectual, you will be pleased to recommend to the Council & Assembly of your Province, the passing a Law, declaring that the Soil in Question shall be vested in such persons for the purpose of erecting a Light House, and in such manner as shall be expressed in any future Law to be passed by this Colony; and this either on the Terms set forth in the Agreement entered into by the present Owners, or on such others as shall be thought equitable between the Publick and them, conformible to what I understand is the Practice in England in Cases of the like Nature.

His Excellency Governor Hardy.

[Indorsed]

Draft Letter from Lt Gov^r COLDEN to his Excellency Gov^r HARDY on the Subject of a Light House at Sandy Hook.

Papers to be copied & inclosed

19 June 1761: Letter from ROBT & EZEK HARTSHORNE

Copy of agreement dated at Portland 23^d July 1761

Copy Bill offered to Gen^l Assembly.

Jan^y 14. 1762 Copy Letter to ROBT & EZEK HARTSHORNE from Missieurs

CRUGER BAYARD &c

Jan^y 19. 1762. Copy Answer thereto.

From Gov. Josiah Hardy

BURLINGTON [N. J.] 10th March 1762

Sir

I have just now the honor of your letter of yesterday with several papers enclosed relating to the Agreement, between your Province & Mess^{rs} Hartshornes for Sandy Hook; but as your Express came in just at the time Our General Assembly was prorogued, it is too late to lay it before them this Sessions; but at their next meeting you may be assured I will recommend this matter to their Consideration.

I am with great regard

Sir Your most Obedient Humble Servant

JOSIAH HARDY

The Hon^{ble} CADWALLADER COLDEN Esq^r

[Indorsed]

Gov^r HARDY's Letter on the Light House Affair

From Gen. Jeffery Amherst

NEW YORK, Saturday Evening
13th March 1762.

Sir,

I am this Moment favored with Your Letter, Enclosing the Resolves of the Assembly on His Majesty's Requisitions, which I am Sorry to find do not fully Answer the Intentions pointed out by the Secretary of State's Letter: You are certainly the best Judge whether

the Assembly can be brought to Reconsider the Matter: All I can Say is, that if they do not Comply fully with His Majesty's Requisitions, I am persuaded they will have reason to Repent hereafter, of their having Deviated in the least from the Commands which the King has been pleased to honor them with, and which tend only to the Security and Advantage of His Subjects in General.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

JEFF. AMHERST

Hon^{ble} Lt Governor COLDEN.

From Gov. Josiah Hardy

Sir PERTH AMBOY [N. J.] 19th March 1762.

I have an information that one John York a deserter from the New Jersey Company station'd at Oswego is now at a Place call'd the Fish Kills in your Province, I must therefore desire You will be pleased to give the necessary directions to apprehend him that he may be brought to punishment as an example to others

I am with great regard

Sir

Your most Obedient Humble Servant

JOSIAH HARDY

The Hon^{ble} CADWALLADER COLDEN Esq^r

[Indorsed]

Letter from Gov^r HARDY to apprehend JOHN YORK, a deserter from the Jersey Company at Oswego.

From Gen. Jeffery Amherst

NEW YORK, Saturday Evening

20th March 1762

Sir,

I Have this moment the favor of your Letter of this day, Acquainting me that you had given your Assent to

the Bill for Raising the Provincials, & to the Other for paying the Money Granted for Recruiting the Regular Corps; and desiring to know what can be done by you for Forwarding the Latter Service.

As the Money granted by the Assembly makes the Bounty Equal to what is given to the Provincials for the Number of Men required; I have only to Repeat, what I proposed in my Letter of the 21st February, that in order to Execute His Majesty's Commands in this particular, the most likely method to Succeed, is by Appointing proper Officers among the Provincials to Induce the Men to Enlist into the Regular Service, by paying them the above Bounty, and, when approved of by the Regular Officer whom I shall appoint for that purpose, to Receive the further Bounty of Five pounds Currency: I am very Certain Nothing will be wanting on your part to forward this most Essential Service as well as to Compleat the Number of Provincials Voted for the Ensuing Campaign; and I am glad to find you have already given Orders for printing the Warrants for Enlisting the Men, as the Season Advances fast when their Service will be wanted.

I am, with great Regard,
Sir,

Your most obedient Humble Servant

JEFF: AMHERST

The Hon^{ble} Lt Gov^r COLDEN.

Proclamation

[March 23, 1762]

[Seal] BY THE HON^{BLE} CADWALLADER COLDEN Esq^r His Majesty's Lieutenant Governor and Commander in Chief of the Province of New York and the Territories depending thereon in America.

A PROCLAMATION

WHEREAS it is highly essential to the Interests and Security of his Majesty's Subjects in North America, that the regular Regiments serving there, be recruited with all convenient Expedition to their full Complement of Effectives; a Service which the King having much at Heart, and seeing the Impracticability of accomplishing it from Great Britain, considering how that Country is drained by the great Number of Men, furnished for the various Services in all Parts of the World; His Majesty has been pleased to call on his faithful Colonies in North America, to provide for the raising a number of Recruits, sufficient to answer this desirable Purpose, by granting the same Levy Money to these, as shall be granted to the Troops in the Pay of the respective Provinces. In Consequence whereof; this His Majesty's Loyal Colony, desirous to contribute every Thing in its Power to the farther Annoyance of the Enemy, hath by Act passed in the present Session, directed the Treasurer to pay to His Excellency Sir Jeffery Amherst, Commander in Chief of all His Majesty's Forces in North America, the sum of four Thousand Seven hundred and Ninety Pounds, to be applied in His Majesty's Service.

I HAVE THEREFORE thought fit to issue this Proclamation, hereby earnestly inviting his Majesty's good Subjects chearfully to enlist, and Notifying, that towards raising the Number of four hundred and seventy nine Men, the Quota of this Province of such Recruits, there will be allowed out of the Monies granted as afore-said, the sum of Ten Pounds, as a Bounty to every able bodied Man, not under Eighteen nor above forty years of Age, who shall enlist in his Majesty's regular Forces in America, to serve during the War, or until the Regiments return to Europe; And by the General and Commander in Chief of his Majesty's Forces, the additional Bounty of Five Pounds Current, Money of New York; to be paid at the time each Volunteer shall be received and approved of, by the officer whom the General shall

appoint for that Purpose. That all and every such Recruit will be cloathed, enter into immediate Pay and Subsistence, and at the Expiration of their Service as above mentioned, be sent back to their respective Homes. And as an Encouragement to those Provincial Officers, who shall be authorized to raise Recruits for this Service, to exert themselves therein with Alacrity, they will be entituled to the Reward of Forty Shillings like Money, for every Man they shall inlist on the Conditions above expressed.

GIVEN under my hand and Seal at Arms of Fort George in the City of New York the Twenty third day of March One thousand Seven hundred and Sixty two, in the Second Year of the Reign of Our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth.

CADWALLADER COLDEN

By His Honour's Command

G^w. BANYAR D. Secrty

GOD SAVE THE KING

[Indorsed]

Proclamation notifying the Encouragement offered to Voluntiers inlisting in the King's Regular Forces

From Gen. Jeffery Amherst

NEW YORK 28th March 1762

Sir,

An Officer Arrived here last Night, with Letters from Major General Monckton, giving me an Account of the Signal Success of His Majesty's Arms under his Command, in the Entire Reduction of the Island of Martinique, on which great & Glorious News I most Heartily Congratulate you.

The Citadel of Fort Royal Surrendered by Capitulation (the Garrison becoming Prisoners of War) on the 4th February, in consequence of two Defeats the Enemy

Received on the 24th & 27th January, in their Out Posts, where, it seems, they had Every Advantage of Situation they could wish for; but Our Troops, with the most Irresistible Impetuosity, Carried Every thing before them. Immediately on the Surrender of Fort Royal, Deputies from a Majority of the Quarters of the Island, came in and Submitted to Terms of Capitulation, whereby they become Subjects of Great Britain; And on the 13th February, Mo^r De La Touche, the French Governor, sent Proposals of Capitulation, which having been Agreed upon, General Monckton took possession of S^t Pierres and the whole Island on the 16th

What Adds greatly to this Conquest, is, that it has been Accomplished with the Loss of very few Men, among whom there is not One Officer of Distinction.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

JEFF. AMHERST

HON^{ble} LT GOV^r COLDEN.

From Gen. Jeffery Amherst

NEW YORK 30th March 1762.

Dear Sir

I was last night acquainted in part of what you have been so good to inform me of by your Letter of this morning. I purposed to send an account of it to Admiral Rodney and, so soon as I heard it, directed the particulars to be collected to that End. I am

Dear Sir

Your most obedient Servant

JEFF. AMHERST.

HON^{ble} LT GOV^r COLDEN.

From Gen. Jeffery Amherst

NEW YORK, 31st March 1762.

Sir,

Altho' a Man of War is now at the Hook, and that tomorrow, I make no doubt but We shall have the Accounts of a Spanish War from Authority, yet I can't Delay Answering your Letter of this days date, in relation to the Clearing out a Vessell belonging to M^r Walton, Loaded with provisions for the Garrison of S^t Augustine.

The very Reason Urged in the Report of the Committee, which you have been pleased to Send me, for Supplying that Garrison with Provisions at a time when Spain was in Amity with Us, viz^t "That without such a Supply, the Garrison must have been Inevitably Reduced"; is certainly a strong Argument why it should be Stopt when We are at War with that Power; And I must therefore give it as my Opinion, that His Majesty's Service would Suffer greatly by permitting any Vessels to go from hence with Provisions to our Enemies, at a time when I find it difficult to Supply the Kings Troops, who are Employed in Services of the greatest Importance to His Majesty's Kingdoms in general.

I am Sorry if M^r Walton should Suffer a particular Loss; but, I am Convinced, you will Joyn with me in thinking that no private Consideration is to Interfere so as to prejudice the Publick Good.

The Pay Ship Expected at S^t Augustine, on which there is so much Dependence, perhaps may never Arrive at that place; And I should not be Sorry to hear of her being Intercepted

I Return you the Papers you sent me relative to this Affair.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

The hon^{ble}
L^t Gov^r COLDEN.

JEFF. AMHERST.

From Gov. Josiah Hardy

PERTH AMBOY [N. J.] 1st April 1762.

Sir,

I am much obliged to you for the order you have given the Sheriff of Dutchess County who I hope will secure the deserter that he may be punish'd as an example to others.

I sincerely congratulate you on the glorious success of His Majestys Arms at Martinique.

I am with great regard

Sir

Your most Obedient Humble Servant

JOSIAH HARDY

The Hon^{ble} CADWALLADER COLDEN Esq^r

From Gen. Jeffery Amherst

NEW YORK, 2^d April 1762.

Sir,

By the Enterprise Man of War, I have been Honored with His Majesty's Commands, for Forming a Detachment of Regulars & Provincials, to be Embarked at this place, on an Expedition of the utmost Importance. That I may Comply with the King's Orders as Early as possible I have fixed upon the Number of Provincials to be Employed on this Service, and have been as sparing in their Numbers as the Nature of the Service would permit, tho' I am Confident, it will be very Agreeable to them, since they will meet with Every Indulgence, and will not be Subject to the Fatigue that they have gone through in the Long Marches in former Campaigns; And that so soon as the Service is Effected, which cannot be of long Duration, they shall immediately Return to New York

The Number I am to Require from your Province, is Five Hundred & Fifty Three Men, with One Colonel,

One Field Officer, & other Officers in proportion to the Above Number; and I Leave it to you to Form them Either from One Regiment, or by Detachments from the Two, whichever you think can be soonest Effected.

These Men will require Nothing more from the Province than has been usually given them; for they shall be furnished with Every Requisite, on their Assembling here, for the Expedition.

I Need not, I am persuaded, Add any Arguments to Induce you to give Immediate Orders for Hastening the Formation of the Above Quota, as a moment's time is not to be Lost, in putting His Majesty's Commands in Execution; and I have only to Request, that, while this Service is forwarding, Care may be taken, that it may not Retard the Compleating of the Remainder of the Quota Demanded by the King, as also furnishing the Recruits for the Regular Regiments, as their Services will be Essentially requisite for the prosecution of a War, wherein the Honor of His Majesty's Crown, the Welfare of His Subjects, & the prosperity of His Kingdoms, are so nearly Concerned.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

JEFF: AMHERST.

The Hon^{ble}
Lt Gov^r COLDEN

From Gen. Jeffery Amherst

NEW YORK, 15th April 1762

Sir,

I Have this moment the favor of your Letter of this days Date, Acquainting me of the most practicable method of procuring provisions for the King's Troops, which appears to me to promise Success; And as you are pleased to Leave it to me to Name any person to whom you may Grant a Warrant to Buy up the provisions, I shall Name three whom Colonel DeLancey has

mentioned to me, viz. Daniel Dunscomb, Abraham Cock, & Francis Silvester, Jun^r Either of whom are Equal to me, and I can have no Objection to any of the Merchants in Town, that may be fixed upon by you for Ascertaining the price of the provisions

I am very glad to hear there is a Vessell arrived from North Carolina, with 3 or 400 Barrels of pork, as that is an Article We are in much want of.

From the Repeated proofs I have had of your Zeal & Readiness to forward His Majesty's Service, I could have no doubt of your Exerting yourself on this Occasion; & I Beg leave to Assure you that I am, with great Truth & Regard,

Sir,

Your most Obedient Humble Servant

Hon^{ble} Lt Gov^r COLDEN.

JEFF: AMHERST

From Gen. Jeffery Amherst

NEW YORK, 15th April 1762

Sir,

As from Several Papers that have Just now fallen into my hands (& which I Intend to Lay Before You) I have Undoubted proofs of the Enemy being Supplied with Provisions from this Port; I must Represent to You the Necessity of putting an Effectual Stop to such Infamous Practices, particularly at a time, when there is the greatest Demand for Provisions to Supply the King's Troops; And as I am well Assured that there are Large Quantities in the Stores & Yards of the Merchants of this place, which they keep upon purpose for Exportation; and that very large Supplies will be wanted for the Troops that I shall Assemble here for Immediate Service, I should Desire an Embargo on the Shipping, were I not Averse to such a Measure, which might be attended with Several Inconveniences, and as I think the preventing any provisions from being Exported may Answer the

same End; I therefore must Request you will be pleased to take such Steps you think best for Effectually prohibiting any kind of provisions from being Ship'd at the Port of New York, and for Obliging the Merchants to Deliver what they have in their Stores, that the King's Service may be Carried on, and may not Suffer for want of that most Essential Article.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

The Hon^{ble} Lt Gov^r COLDEN

JEFF. AMHERST.

From Gen. Jeffery Amherst

NEW YORK 16th April 1762

Sir,

I Now Enclose You the Several Papers, relative to the Illicit Trade Carried on from this Port, which I mentioned to You in My Letter of Yesterday, had lately fallen into My hands; and I shall Just Set down the Heads, According to the Method I have Classed them in, with Some Remarks, that they may appear in as Clear a Manner as possible.

N^o 1....is a Passport from Philip François Bart, the French Governor, to W^m Carli[s]le Master of the Dove; giving permission to the said W^m Carlile to Trade to the French Ports; & ordering all Captains of any French Vessells to let him pass freely, & to give him Every aid & Assistance that they can. As this Passport was taken on board the Vessell, I Doubt not but You will take Care the Master Meets with Such punishment as his Crime Deserves

N^o 2...is a Letter from a Person who Stiles himself Fair Trader, Dated at Leogone; and Acquainting his Correspondent of the Market being tolerable there, & that he should Acquaint M^r P.R.L. & his, which, I Suppose, he means to be at New York.

N^o 3. is a Letter from M^r R.R. from Cape François to M^r Theo^t Bache at New York, intended to be Sent by Capt. Bethel, Advising the best methods of Carrying on the Trade & how Vessells may avoid being taken.

N^o 4 are Invoice of Sugars Shipt on board the Sarah &—5. Mary at Cape François; & Sale of the Cargo she Carried to the said Port.

N^o 6...is a Letter from a Gentleman to his Friend at Barbadoes, which, tho' it does not Concern any one here, Yet I Enclose it as he Invites his friend to Carry on a Trade, & Supposes he can do it by the way of New England, for which purpose he could procure whatever permissions were wanted.

N^o 7. .is a Letter from Mo^r Lory to M^r Van Solen at New York; giving an Acco^t of his Brigantine having been taken by the French, with the Methods he took to get her Released, as the Master of the Vessell had a Flag of Truce on board, with a French Permission; but as the French Vessell had hoisted English Colours when She took the Brigantine; the Master of the Latter had hid his papers, which afterwards on his going on board, & finding her to be French he offered to shew. M^r Lory Says in this Letter, that he hopes the schooner *Mary*, will make Quick Expedition with the Cargoe M^r Van Solen had acquainted him she is to bring.

N^o 8...is a Letter of the 6th, 22^d Febr^y & 11th March from M^r Lory to M^r Rieux at New York; Enclosing a Bill of Exchange from W^m Carli[s]le, drawn on Peter Robert Livingston for Goods Received of M^r Lory at the Cape. This Letter gives an Account of the Brigantine Friendship, Captain Campbell, belonging to M^r Van Solen, being arrived at the Cape, with a long Detail of the Manner in which She had been taken; That he had gone on board the Vessell with the Master, & had found the French permission; And that he Might Assure M^r Van Solen the Vessell would be Released, altho' the Expences & Delay attending it would be Considerable. He Advises that Vessells should come with Flags of Truce, or permissions: mentions DePeyster, Livingston & Frasier;

That there were many Captains with Flags of Truce, with Flour, at the Cape; Speaks of a Cap^t Rich^d Moons; & that he writes to Mess^{rs} Shee & Sherridan who, by another Letter, appear to be at Leogone, to Send him permissions. He mentions the Snow *Sally's* Arrival at St^t Louis: and in the End, he Says, that Mess^{rs} Shee & Sherridan have Acquainted him that they'll send the permissions, & that he is Sorry he has not them to forward by that Occasion.

N^o 9...is a Letter to M^r Tetard at New York.

N^o 10...is a Bill of Lading of the *Dove* at Cape François.

N^o 11...Mo^r Fechenes Acco^t of Goods proper to be brought to the Cape.

N^o 12...is a Letter from James Thompson at the Cape.

N^o 13...is a Memorandum of many things for the Service of fitting Out Vessells to be procured here, & be Sent to the Cape.

N^o 14...is Acco^t of Capt. Magen's Expences at Port au Paix & Cape François.

N^o 15...are Four Bills of Lading Sign'd by W^m Carli[s]le, of Goods Shipt at Cape François.

N^o 16...are Several Papers of little Consequence, but mentions the Names of some People, who, I fear, may have something to do with this Illicit Trade.

On a perusal of the forementioned Papers, You will See Such Evident proofs of the Enemy's not only being Supplied with Provisions by Merchants from this place; but likewise the Plans they are Laying for furnishing the French & Spaniards, with the Means of fitting out Vessells, & in short with Every Necessary they can Require for Carrying on the War against Us. Such Infamous practices at any time ought to be Suppressed; but now when we are Just Engaged in a War with a New Enemy, & that there is the greatest Reason imaginable, to think that, without Supplies from this Continent, the Enemy could not Subsist their Fleets in the West Indies, and of Course must Decline any Intended offensive operations, and be obliged to Abandon their Coasts, it becomes a Matter of the utmost Importance to put a Total stop to

that Trade, which has been & is now Carrying on, to the great Disgrace & Scandal of Every One Concerned therein.

I am Certain I need add nothing further on the Subject to You, being well convinced You will do Everything in your power, for Crushing this Infamous Traffick, as well as for punishing those who are proved to have been Guilty of Acting so Contrary to the Laws of their Country.

I am, with great Regard,

Sir,

Your most obedient Humble Servant,

JEFF: AMHERST.

P:S: I must not omit
Acknowledging the Receipt of,
& thanking You for Your Letter
of this Day's Date, with the
Warrant Enclosed.

J:A:

Hon^{ble} Lt Governor COLDEN.

From Gen. Jeffery Amherst

NEW YORK 17th Aprile, 1762,
11 o Clock

Dear Sir

I have this instant the favour of yours of this day's date, which I shall only acknowledge with my thanks at present, as tomorrow I will send to Captain Houlton and I shall then be able to inform you, what witnesses, if any can be procured, and to answer your Letter fully. I am with great truth and Regard

Dear Sir

Your most obedient Humble Servant

JEFF. AMHERST

Honorable
Lt Governor COLDEN.

From Sir William Johnson

FORT JOHNSON April 17th 1762

Dear Sir

I am favoured with yours of the 5th Ins^t and as I make no doubt of your and of the gentlemen of the gentlemen [sic] of the Councils inclinations to procure Justice to the much injured Indians, I hope before this all matters are made easy for them.

My Commission as Sole Agent & Superintendant for Indian Affairs &ca is at my other House, so that I cannot at present send you a Copy of the powers therein which are verry extensive, but shall do it in a few days, in the meantime I beleive you may See a Copy thereof in the Generals Office, I have lately received one from his present Majesty to the purport of the former. I heartily wish the War with Spain may be attended with good Success, and produce a lasting & honourable peace.

The sooner I am favoured with the Councils resolution with regard to Klock the better, as he may come up & report (as usual) the affair in such a light as to be productive of bad consequences. As I look upon't that the Council have a right to act as Justices of the Peace throughout the Province, I am at a loss to understand the paragraph in yours relative to my qualifieing as a Justice unless it is meant that I have not qualified as one of the Council, since his present Majestys accession, which I must beg the favour of you to explain.

I have been favoured with your orders of the 6th Ins^t relative to the Militia, & imediately Issued mine in consequence thereof to the Lieut. Coll^s. of each Battallion. I heretofore Issued the orders myself to the Capt^s of the Regiment, but as I have not for these 2 years past been made acquainted with the appointment of officers for the Provincial Service, I was at a loss how to act.

I am with great Esteem

Dear Sir

Your Most Obedient Humble Servant

The Hon^{ble}
Lieut^t Gov^r COLDEN

W^m JOHNSON

From John Tabor Kempe

[18 April 7 o'clock in the Evening]

Sir

I had the Honour of your Letter of this Morning and of your Note of this Afternoon, acquainting me that the necessity of the Kings Service had occasioned you by Advice of Council to issue your Warrant to impress what Provisions the General shall want for the use of his Majesty's Forces, and that several Persons had refused to deliver the Provisions so impressed desiring me to inform you if any other Act of Government be necessary, and what Acts may be proper to be done in this Case to compel those Persons to deliver their Provisions.

I suppose the Impress Warrant directed the Persons appointed for that Service to take the Provisions paying the market Price, if so I cannot devise any Act of Government that can be added to make it more complete, nor can I think of any Thing that can be more effectual than such Impress Warrant. Of the Necessity of this Step I am not to judge, but think extreme necessity will justify taking these Provisions paying their Worth.

I have the Honour to be

Sir

Your most obedient humble Servant

J. T. KEMPE

18^t April 7 o'Clock
in the Evening.

I return the Generals Letter, with his
List of the Merch^{ts} refusing their Provisions

From John Tabor Kempe

[April 18th 5 o'clock in the afternoon]

Sir

I received your Letter of this Day relating to several Persons that refused to deliver Provisions that had been

pressed for his Majesty's Service by Virtue of your Honours Warrant by advice of Council, together with his Excellency's Sir Jeffery Amhersts Letter on that Subject

I have searched the Acts of the Assembly from the year 1752 except those of the last Sessions conceiving there was some Provision made on this Head but find no Act relating to the Impressing any thing but Boats Carriages Artificers &c.

I have therefore taken the Liberty to request your Honour would be pleased to inform me, whether the Impress Warrant was issued by Virtue of any Act of the Assembly, for should there be such an Act I ought to consider it, least I answer your Honours Letter unadvisedly

I am
with great Respect
Sir

Your most obedient hum^{ble} Serv^t

J. T. KEMPE

April 18^t 5 o'Clock in
the afternoon.

To his Hon^r the Lieut. Gov^r

[Indorsed]
Attorney General Letter

From Gen. Jeffery Amherst

NEW YORK, 18th April 1762.

Sir,

Mess^{rs} DeLancey & Watts have been just now with me, & Acquaint me, that Several of the Merchants have Complied with the Orders in your Warrant for Delivering their provisions, at the Market price; but that there are some, whose Names I herewith Enclose you, who absolutely Refuse: I must therefore Request you will be pleased, by an Act of Government, to Oblige those persons to Deliver the provisions they have in Store to Mess^{rs} DeLancey & Watts whom I have Employed to

purchase the Same, at the same price that is given to others.

Captain Houlton not being in Town, prevents me from giving you an Answer to your Letter of Yesterday.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

JEFF. AMHERST

Hon^{ble} Lt Gov^r COLDEN.

From Gen. Jeffery Amherst

NEW YORK 18th Aprile 9 at night

Dear Sir

I have this moment seen Captain Houlton, who will go on board the Enterprise in the morning and examine the men belonging to the Sloop Dove.

Capt. Houlton is not sure what of the Crew of the Sloop are on board the Man of War, but he will make me a report on his return, which I shall immediately communicate to you. I am with the most perfect truth

Dear Sir

Your most obedient Humble Servant

JEFF. AMHERST

Hon^{ble} Lt Gov^r COLDEN

From Gen. Jeffery Amherst

NEW YORK, 18th April 1762.

10 o'Clock at Night.

Sir,

I am this moment favored with your Letter, Enclosing the Attorney General's Opinion of the Lawfullness of putting your Warrant for Impressing Provisions in Execution, by the Persons to whom it is Directed, which I shall accordingly Order to be done

I Have taken a Copy of M^r Kemp's Letter, & I here-
with Return you the Original.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant.

Hon^{ble} L^t Gov^r COLDEN.

JEFF: AMHERST.

From Gen. Jeffery Amherst

NEW YORK, 19th April 1762.

Sir,

I Have the pleasure to Acquaint you of the Continuation of the Success of His Majesty's Arms: By Letters, received this morning from Major General Monckton, of the 19th March, he Informs me of the Grenades having Surrendered, on the 5th of that Month, on the same Terms as Martinique; and that he had sent to take possession of S^{te} Lucia, S^t Vincent, & Tobago, the former of which had also Capitulated.

The General likewise Acquaints me, that on the 8th a French Fleet had appeared to Windward of the Island, & he was in hopes would have Attempted to have Landed, but on the Intelligence of the Islands being taken they made off: The Admiral Sailed after them, but had not the good Luck to Overtake them: he was however going out again with the greatest part of the Fleet, the day that General Monckton Sent his Dispatches.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

Hon^{ble} L^t GOVERNOR COLDEN.

JEFF. AMHERST

From John Tabor Kempe

Sir,

[NEW YORK April 19th 1762 10 o'clock]

I am just informed that M^r Burnet the Coroner of this City and County died last Night—It has happened

extremely unluckily for the Crown, as a precept is to be returned tomorrow by the Coroner for the Tryal of a Person for a Riot and which I fear may be prevented unless another be immediately appointed—M^r Shrive the Bearer hereof has been M^r Burnets Deputy in that Office some years, and he tells me has for these two or three years past done the greatest Part of the Coroners Duty—If your Honour should approve of him to Succeed M^r Burnet, I take the Liberty to request his Commission may be made out immediatly for the Reasons above given.

I am

S^r

with great Respect

Your most obedient humble Servant

J. T. KEMPE

NEW YORK April 19^t 1762.

10 o'Clock

[Indorsed]

Attorney Generals Letter

From Gen. Jeffery Amherst

NEW YORK, 20th April 1762.

Sir,

I Have just now your Letter of this days date, Acquainting me that the Evidence which Colonel Amherst shew'd you last Night, when Sworn to, will be Sufficient for the Chief Justice to Issue a Warrant for Apprehending *Carlisle*, or any other Person against whom sufficient Evidence appears.

I Enclose you a Copy of what the Mate & Sailors Advance, and if you think it necessary to have them Sworn before the Chief Justice, I shall give immediate Orders for bringing them up, & for Delivering them to whom you shall think proper; altho' if the Depositions can be taken below, I should Imagine it would be safer, as I am not without my fears of their Endeavoring to make their Escape.

When full Discoverys are made, you will please to Decide on the proper methods for bringing the Guilty to Condign punishment.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

Hon^{ble} Lt Gov^r COLDEN.

JEFF. AMHERST

From John Tabor Kempe

[April 20: 1762
1/4 past 4 o'Clock]

I think it will be much the best way (could it be safely done) to bring every Person that was on board the Sloop Dove in her late Voyage to the Cape, that now are on board his Majesty's Ship the Enterprize, or that can otherwise be come at, to the Fort George, or before one of the Judges of the Supreme Court, that they may be examined with the greatest Care and precaution, and not to swear them if it can be avoided, only to the accounts ready drawn up, as in all probability on a strict Examination much greater Discoveries may be made. I think William Carlisle the Master of the said Sloop should be brought about the same Time, to the Fort where one of the Judges I would recommend should be to act as Occasion shall direct. The Reason why I think it would be best to bring Carlisle to the Fort about that Time is this, that as there is no Proof against him yet on Oath, there will be nothing before the Judge, sufficient to justify his Commitment, unless he should confess, which is highly improbable & detaining him long without such Proof may be construed oppressive on the other Hand, should these persons be brought from the Man of War to the Fort, before the apprehension of Carlsisle, it may be an Item to him to go off. The Judge will issue his Warrant to bring him before him to be examined; There should be no Time lost in takeing these steps. These seem to me the most prudential steps I can think

of so suddenly, having but just seen some Papers from the General on this Subject

J. T. KEMPE
April 20^t 1762
1/4 past 4 o'clock

[Indorsed]
Attorney Generals Opinion

Lieutenant Governor's Order for the Arrest of Frenchmen in City of New York as Prisoners of War

[Copy]

[April 20, 1762]

By the Honble Cadwallader Colden Esq^r his Majesty's Lieutenant Governor and Commander in Chief of the Province of New York & the Territories depending thereon in America

To the High Sherif Constables and other Civil Officers of and in the City & County of New York, Greeting.

WHEREAS I have received Information that *A.B. C.D. and divers others* Subjects of the French King and Enemies of our Lord the King, are now in this City of New York at large, there transacting Matters prejudicial to the Interest of his Majesty and his Dominions. These are therefore to command and require you and each of you on Sight hereof immediately to apprehend *them the said A.B.C.D. and all such other* French Men—Subjects of the French King, as you shall find at large in the City of New York, and that you also seize and take into your Custody all their Effects and papers whatsoever, hereby also commanding you the said Sherrieff to confine them and every of them so apprehended *the said A.B. C.D. &c* in the Common Goal of the City of New York there to be taken Care of as prisoners of War.

Given under my Hand and Seal at Arms at Fort
first

George in the City of New York the *Twentieth* Day of

May

April in the Second year of the Reign of our Sovereign Lord George the third by the Grace of God of Great Britain France & Ireland King Defender of the Faith and so forth and in the year of our Lord 1762.

Deposition of George Moore, Mate of the Dove

[April 22, 1762]

The Information of George Moore of the City of New York Mariner, and late Mate of the Sloop Dove William Carlisle Master, taken upon Oath before me Benjⁿ Pratt Esq^r Chief Justice of the Supreme Court of Judicature for the Province of New York, the Twenty second Day of April in the second year of the Reign of our Sovereign Lord George the third now King of Great Britain &c.

This Informant on his Oath saith that about the latter End of November last, he was shipped at the City of New York on board the Sloop Dove by William Carlisle the Master thereof, as Mate of the said Sloop, then being informed by the said William Carlisle that the said Sloop the Dove was bound to Jamaica, That this Deponent had not then any Suspicion of her being bound to any other port in the West Indies, That this Deponent helped to lade the said Sloop at the port of New York, with One hundred Barrels of Flour, Twenty Hogsheads of Blacksmiths Sea Coal, Five Tierces of Wine, Two Thousand Hoops, Six Thousand one hundred and Sixty Bricks Nine Barrels of Beef, and upwards of Forty Barrels of Onions, That the Vessel soon after to wit on the Second Day of December last sailed from New York towards the West Indies, and when she had come near to the Island of Hispaniola, the said William Carlisle then & not before informed the Deponent that he was bound to Saint Marks, a port belonging to the French King in the Island of Hispaniola, and accordingly by the said William Carlisle's Order the said Vessel was made to stand for S^t Marks, and about the Twentieth Day of

the same Month of December, they arrived off a place on the said Island of Hispaniola called the platform, that there they descried two Vessels, which the said William Carlisle and the Crew of the said Sloop the Dove imagined were English privateers, and that the said William Carlisle then expressed his Fears of them as such, and to avoid them as this Deponent understood made the best of his way with the said Sloop to port au paix also a port belonging to the French King on the same Island where they arrived about the Twenty third Day of December last, where they remained until about the Sixth Day of January following, the said William Carlisle being often on shore there, among the French, That from thence they sailed to Cape Francois where they arrived about the Eighth Day of the same Month of January, entering into that port as they had into Port au paix under French and English Colours That this Deponent never heard or knew that the said William Carlisle had a Flag of Truce for the said Vessel except that the s^d Carlisle said so when he steered for said Marks but knows that they had no French Prisoners on board. That the said William Carlisle immediatly on his entering the said port at Cape Francois went on shore, and was mostly on shore during the Time the said Sloop the Dove lay there, That the said William Carlisle told this Deponent he was recommended by a French Gentleman at port au paix to one M^r Loree a French Merch^t at Cape Francois, That this Deponent delivered the whole of the said Cargo that was taken in at New York to the said M^r Loree by the said William Carlisles Orders. That the said Loree sent on board the said Sloop the Dove a Cargo consisting of Sugar Coffee and Rum, That the said William Carlisle in his said voyage from New York, had some Papers, concealed, by being sowed in the hinder Part of his Breeches or Drawers, a patch being sowed over them but he does not know the Content of those papers. That no officers or other French persons came on board to search or seize the said Vessel or on any account, in any of the said French ports, but that the

same Vessel the Dove and her Commander and Crew were treated as a Friends Vessel in all the said ports That he the said William Carlisle told the Crew of the said Sloop, that he should be safe enough in any French Port, as a Flag of Truce. That on the Seventeenth Day of March last, while the said Sloop the Dove was at Cape François a Fleet of French Men of War arrived there, consisting of Seven sail of the Line, (one of which was lost in turning in to the Harbour) and four Frigates, and on the next Day the said Sloop the Dove sailed from thence, without any molestation from any of the said Men of War, or the Fort, or otherwise, That there was at port au paix, when the Sloop Dove put in there one English Brigantine, belonging to Rhode Island and that they found at Cape François a great Number of English Vessels, among which were three that this Deponent knew were from New York, that is to say A Brigantine under the Command of One M^c Laughlin, a Snow commanded by one Miller, and a Sloop commanded by One Tue, whose Christian Name this Deponent thinks was Tunis, that they had unladed before the said Sloop the Dove arrived there That Provisions were very plenty and cheap at Cape François, That one M^r Livingston, of New York this—Deponent understood was owner or one of the Owners of the said Vessel the Dove, when she was loaded and sailed as aforesaid from New York

GEORGE MOORE

Examined Taken & Sworn
before me BENJ. PRAT

[Indorsed]

Information of GEORGE MOORE, Mate of the Sloop Dove, WILLIAM CARLISLE, Master taken on Oath before M^r Cheif Justice PRAT—April 22^d 1762.

Depositions of Mate and Seamen of the Dove

[April 22, 1762.]

The Information of James Wilson late a Mariner belonging to the Sloop Dove William Carlisle Master taken upon Oath before me Benjamin Prat Esq^r Chief Justice

of the Supreme Court of Judicature for the Province of New York the Twenty second Day of April in the second year of the Reign of our Sovereign Lord George the third now King of Great Britain &c

This Informant on his Oath saith, That he was taken in a small Sloop belonging to New York called the Beaver Robert Castle Commander, loaded among other Things with a Quantity of Provisions, that he was shipped by the said Castle to go to Jamaica, but afterwards understood the said Vessel was bound to Monte Christo, That before their Arrival at Monte Christo, for which Port they steered they were taken by a small French Schooner belonging to Cape Francois, to which Place the said Sloop the Beaver was carried in by the said privateer, That the Day after he arrived at Cape François he there shipped himself on board the Sloop Dove under the Command of William Carlisle, That while he this Deponent was there he every Day saw provisions unlading from English Vessels there, and delivered to the French, That three Vessels belonging to this Port of New York, sailed from Cape Francois with the said Sloop the Dove, but doth not know the Master's Names, nor to whom they belong, That the Day before the Sloop Dove sailed from Cape Francois, a Fleet of French Men of War arrived there.

Examined taken & Sworn
at above before me B. PRAT

JAMES WILSON

[Indorsed]
Information of JAMES WILSON

Depositions of Mate and Seamen of the Dove

[Copy]

[April 22, 1762]

GEORGE MOORE, Mate of the Sloop Dove, William Carli[s]le Master, Deposeth, that they Sailed from New York the 2^d of December 1761, bound to S^t Marks on the Island of Hispaniola, & about the 20th

they arrived off the Platform; but on the Appearance of two English Privateers they altered their Course, & put into Port a Peé [Port à Paix, Haiti] the 23^d, where they Remained till the 6th of January 1762, without Landing any Part of their Cargo; from thence they proceeded to Cape Francois, where they arrived the 8th & Landed all their Cargo, and Delivered it to Monsieur Loreé who Shipt in Return, 37 Hogsheads of French Sugar, 50 Barrels of Coffee, and 4 Tierces of French Rum; the 17th March the French Fleet arrived at the Cape, Consisting of 6 Sail of the Line & 4 Frigates, a 60 Gun Ship, being one of the Same Squadron was lost going into the Harbour, and it was Reported that there were, One Hundred Men Drowned. the 18th of March they Sailed from the Cape, bound to New York, where they Arrived the 10th day of April.

JAMES COLE, Seaman belonging to the Dove Sloop, Deposeth that he Shipt himself at New York on board the said Sloop for the West Indies, W^m Carlisle Master, who said he was bound for Jamaica; on the 2^d day of December they Sailed from New York, and about the 23^d following arrived off the Platform, when the Captain Declared that he was bound for S^t Marks; but on the appearance of two English Privateers who Chased them they altered their Course, & made for Port a Peé [Port à Paix, Hayti] where they Arrived the 24th; & about the 28th they put out to go to the Cape; but on Discovering a Sail to Windward, they bore away & went into Port a Pee a Second time, where they remained untill the 6th of Jan^{ry}, and then went for the Cape again, where they Arrived the 8th & Landed all their Cargo, and Delivered it to Monsieur Loreé who Shipped a Cargo of Sugar, Coffee & Rum in Return; the 17th of March the French Fleet arrived at the Cape, consisting of 6 Sail of the Line & 4 Frigates; a 60 Gun Ship of the Same Squadron was lost in going in, and it was Reported they lost one Hundred & Twenty

Men by that Accident; the 18th of March they Sailed in the Dove from the Cape Bound to New York, where they arrived the 10th of April.—they found on their first arrival at Port a Peé a Brig belonging to Rhode Island, Commanded by One M^r Hopkins, son to the Governor of that Island; and while they lay there the 2^d time, there Came in a schooner Flag of Truce from Providence.

JAMES WILLSON Seaman belonging to the Dove Sloop, Deposeth, that he shipt himself on board the said Sloop at Cape Francois the 10th of March, which was then Loaded all but One Hogshead of Sugar, which they took on board the next day; they sailed from thence the 18th March for New York, as mentioned before.

[Indorsed]

Copy of Examination of the Mate & Seaman.
of the Sloop [Dove]

From Gen. Jeffery Amherst

NEW YORK 23^d April 1762

Sir,

I Flattered Myself with having the pleasure of Your Company today to Dinner; and am Extremely Sorry for the Occasion that has prevented it.

If You have procured the particulars of the List of Vessells, which You Intended to have Enclosed to Me, I should be glad to have them.

I Have given Directions for purchasing a Quantity of Pease at Albany, which I imagine will be got without much difficulty, as the Common market price shall be paid for the Same; Yet in Case of any obstructions, I must Request the favor of Your Warrant, which I shall transmit to Colonel Bradstreet, to be made Use of only if found necessary.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

Hon^{ble} Lt Governor COLDEN

JEFF. AMHERST

From Gen. Jeffery Amherst

NEW YORK 24th April 1762.

Sir,

I am to thank you for your Letter of yesterday's date, with the List of the Vessels: I should be glad to have the Answer you received last Year from Gov^r Fitch, on your Application to him concerning the *Sloop* Sea Flower, John Wiggons Master, who Cleared out for New London, but was Supposed to be Bound to the Mississippi, as *Renaud*, the Frenchman, went passenger.

I Don't know what progress you have made in the Examination of the Prisoners; but when it is finished and that you think it necessary to Seize the papers of the Suspected Persons, I shall Direct One or two Officers to Attend for that purpose, as you Desired.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

Hon^{ble} Lt Gov^r COLDEN

JEFF: AMHERST

David (?) Colden to William Livingston

[Copy]

[April 27 1762]

Sir

Before I enter on an answer to your Letter of this Day, it will be proper to let you know, that I am not authorised by the parties concerned in the Case of McNeal at the Suit of Clows, to give any directions or to act in any manner for them. I have been induced to do what I have done in this affair, from a willingness to serve some honest neighbours & acquaintance at their desire, and from my personal Interest in some Lands which ly within the same Claim that McNeals Land does

As you think the objection against a Jury from Ulster

County, on account of the influence of our family, is not a legal one, it might be needless for me to say any thing to it, but for your information I may mention that my Father has not, nor never had any claim to any Lands lying between the Old and New Northwest Lines, so calld, which is the Land that has heretofore been esteemd to be in dispute—if Clows intends to set up some other line than the old Northwest Line, I know not what it may be perhaps such a one as will include the Farm on which my Father Lived My three Sisters who had Lands lying between the Lines, are married my B^r Alex^r has a Mortgage on a Lot and I have a right in a Tract between the Lines, this is the sole Interest of our Family whi[ch] may be eventually concerned in the issue of this suit—none of us are immeadiately concerned in the present case. The influence of M^r Smiths family & of M^r Weissner and of every man who has a claim in the Wawayanda Pattent who are all materially concernd in the event of this Suit, is a Stronger objection against takeing a Jury from Orange County, than the other is against one from Ulster. M^r Simrell I suppose has acquainted you with M^r Champbells errant up to Ulster, I know nothing of it but from him, I know your Employers think the most disinterested Jury may be got from Albany, and certainly a sufficient number of good Men may be got from thence, who understand English well; For my own part I know of no objection to a Jury from Dutchess, but Albany is the more contiguous County But if M^r Champbell discharges the Mortgages which the Loan Office of Ulster has upon Lands, that may be affected by the event of this Suit I think no Legal objection can remain to a Jury being taken in the County—And supposeing he does not, the Sum is so triffling, that I am informd, in similar cases, the influence ariseing from the interest which the whole County may have in it, has been judg'd to be of no moment & not sufficient to set aside a Jury

[Indorsed]

April 27th 1762

Answer to M^r W^m LIVINGSTON

Letter of this Day

From Gov. Francis Bernard

BOSTON 1 May 1762

Sir:

I have receivd an account from Stockbridge of a notorious murder that has been lately perpetrated at Kenderhook by one Abraham Hunkamug of Stockbridge upon Chineagun another Indian of the same Tribe, and that the Murderer is taken and committed to Goal in this Province. And Although it has been the antient and constant usage of the Indian Nations in such cases for the Relations of the persons slain to avenge themselves on the Murderer, yet in this Instance they have applyed to the Civil Magistrate for Justice to be done agreeable to the English Laws; and as the Murder was committed in the County of Albany, the Trial must of course be had within your Government. It seems to be a matter of importance that strict Justice should be done in this case, that the Indians may be brought to acquiesce in the legal execution of Justice for the future, and be thereby brought off from seeking their customary private Revenge, so contrary to the Laws of the Land.

I must therefore desire that you would be pleased to give orders to the Sherrieff of the County of Albany to receive the supposed Murderer upon the Borders of the two Governments in order to take his Trial, and that You would recommend it to the Judges and the Attorney General to be very exact in inquiring into the Fact. When I am informed of the time you shall set for receiving the Indian in custody I will give orders for his delivery. If the Sherrieff was to apply to Joseph Dwight Esq^r of Sheffield, or to Timothy Woodbridge Esq^r of Stockbridge,

they will either of them take proper care to forward him on to your Government.

I am, with great regard,

S^r Your most obedient humble Servant

FRA BERNARD

Hon^{le} C. COLDEN, Esq.

[Indorsed]

Letter from Gov^r BERNARD desiring that the Shf of Albany may be directed to recieve the body of one HUNKAMUG, confined for Murder in Massachusetts Bay.
12 May 1762 Read in Council
The prisoner is to be delivered to the Sherif of Albany on the 1st of June

From Gen. Jeffery Amherst

NEW YORK 3^d May 1762.

Sir,

I am to thank you for your Letter of Yesterdays Date which M^r Colden Delivered me; and in Consequence thereof I have given orders to Lieutenants Williamos & Hall to Attend the Sheriff in the Execution of the Warrant which you have been pleased to Grant for Apprehending & Seizing the Persons & Effects of the French Subjects in this City.

I Have Delivered to L^t Williamos a List of such Suspected Persons as I could pick out from the papers I had Intercepted; and have Directed him, with Lieut: Hall, not only to Assist M^r Roberts in Seizing those persons, but any others that may appear to have been Concerned in the Illicit & Infamous Trade, from the papers they may find in Searching the Houses of those whom I have Named.

I am, with the greatest Regard,

Sir,

Your most obedient Humble Servant

JEFF. AMHERST.

Hon^{ble} L^t Gov^r COLDEN.

From Gen. Jeffery Amherst

NEW YORK Monday Even^g
3^d May 1762

Sir,

I Have this moment the Favor of your Letter, Acquainting me that the Shirreff had Seized the Persons, Papers & Effects, of Several Gentlemen Subjects of the King of France, whom he found at Large in this place.

In my Orders to Lieut: Williamos, I Directed him & Lieut: Hall to Assist in the Examination of the Papers of the Suspected Persons; And as M^r Williamos is perfectly Master of the French Language I cannot Appoint a better person for that purpose: He, & M^r Hall, shall Attend, whenever you think proper, to have the papers Examined, of those that have been Apprehended, in the presence of the Secretary, or any other Person you shall be pleased to Appoint; And I could wish this were done as soon as possible, that the Innocent may not Suffer by Confinement, as I should be as Sorry to be the Means of bringing any Inconveniences on such as have Behaved themselves well, as I would be that the Guilty were not Treated as they Deserve.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant.

JEFF. AMHERST.

Hon^{ble} Lt Gov^r COLDEN.

From Gen. Jeffery Amherst

NEW YORK, 5th May 1762

Sir,

As I Requested You, by my Letter of the 2^d April to give Immediate Orders for Forming a Detachment of Your Province Troops, to Consist of 553 Men, and Officers in proportion, for an Intended Expedition; and as

two Companys of the New York Independents are already arrived; and that I Expect the other two hourly, I must beg You will be pleased to Repeat Your Orders for hastening the formation of the above Corps, & Causing them to Rendezvous at this place, that they may be immediately Embarked, Since I only wait for the Arrival of the Quota Demanded from Rhode Island or part of the Connecticut Troops, to send off the First Division, the Jersey Men, being, as I am Informed.—ready for Embarkation. Colonel Thodey has been with me, & promises to Exert his utmost for Completing the Detachment.

I should likewise be glad Some Progress Was made in the Recruiting for the Regular Service, before the New York Independents leave the place, as they are in want of Men to Compleat them, & I Imagine that would be a Service not Disagreeable to the Yorkers.

I am, with great Regard,

Sir,

Your most obedient Humble Servant.

Hon^{ble} Lt Governor COLDEN.

JEFF: AMHERST

From Gov. Thomas Fitch

Sir

NORWALK [CONN.] 6th May 1762

By M^r Timothy Northam I received your Letter of the 28th April Signifying your Request that I would encourage him in enlisting Men within this Colony in the Pay of your Government in Consequence of which he Desired my Liberty and approbation for that Purpose. I told him that perhaps he had Represented that Matter in a stronger Light than upon tryal he would find true and that he would not find Men so willing to inlist as he Imagined but however that I could give him no Encouragement or Countenance in that Matter and also Signified to him the Danger he would be in if he proceeded without. You know Sir a Proportion is Required by the King from Each Colony both of Provincials and

for the Regular Regiments the Compleating of the last his Majesty has much at Heart. While therefore we are using Means to induce Men to inlist into the Regular Service it can't but be Judged a Counter Acting this Service for me to Encourage Men to inlist in the Pay of another Province in ease of that Provinces Proportion of Provincials and in prejudice of the Inlistments into the Regular Regiments as therefore I am Desirous of concurring as hinted in your Letter in promoting the Service at this Time which his Majesty has much at Heart and as the taking such a Step would I conclude be disagreeable to the Legislature as well as to the People in general I make no doubt you will not only Excuse but really approve my not granting M^r Northams Request

I am Sir with very great Regard

your most obedient and most humble Servant

The Hon^{ble} Lt Gov^r COLDEN
[Indorsed]
Gov^r FITCH

THO^s FITCH

From Gen. Jeffery Amherst

NEW YORK, 6th May 1762.

Sir,

I Was in hopes I should not have had any occasion of troubling You with more proofs of the Illicit Trade Carried on from this Port, than I had already Laid before You; but I Must Confess there Appears to Me to be no End to it; for Captain Houlton has Just now Shewn Me Sundry Papers Seized on board Vessells that Cleared out from New York, for other Ports on this Continent, and proceeded directly to Cape François &c; from whence they brought Cargoes of Sugars. The Papers are too long to Copy, and as Captain Houlton must keep the originals to Lay before his Lawyer, I shall give You the Substance of what Appears from the Depositions of the Masters & Crews of the Said Vessells.

1st—*Sloop Industry Theunis Thew*, Master, Cleared out from New York, 10th Novem^r 1761, for North Caro-

lina, and Jamaica, with a Quantity of Provisions &ca. as appears by all her Papers: And Bond was given for Landing the Said Provisions pursuant to Act of Parliament: The Master Declares he had verbal orders from his owners Jacob Van Zante, Jacob Townsend, Thomas Lynch, Tho^s Witter, & Abr^m Lott, to proceed to Cape François where he arrived the 3^d or 4th December, and Delivered the Said Cargo to Mich^l La Roche, who shipt in Return a Cargo of Sugars; and that he Sailed from Cape François, on the 1st April 1762.

2^d—*Sloop Susannah & Anne*—Dobbs Master: All her Papers are Destroyed; but by the Deposition of the Mate, it appears that he Shipt himself on the 1st January at New York, on board the said Sloop for Jamaica; that they Sailed the 29th or 30th but that he Imagined the Sloop was Intended for Hispaniola; That the 18th or 20th February, they arrived at Port S^t Louis; where they Delivered part of the Cargo, & the rest at the Ocoys [Cayes, Haiti] and took in a Cargo of Sugars & Indigo: That they Sailed the 4th or 5th April for New York.

3^d—*Brig. New York Castle*, Tho^s Smith Master; By the Papers of this Vessell I see that She Cleared out at New York, on the 30th Sept^r 1761 for Tortola; but the Master of the Vessell Declares he had verbal orders from M^r Godardus Van Solingen to proceed to port S^t Louis, and the Ocoys, where he arrived the 4th or 5th November and Delivered the Cargo to Mons^r Ribails, on Receiving a Cargo of Brown Sugars; and that on the 28th Jan^{ry} 1762, he Sailed from the Ocoys for New London, & New York.

4th—*Snow Johnson*, William Williams Master, who Deposposes he was Shipt as Master on board Said Vessell by Mess^{rs} Waddel Cunningham & Thomas White, on the 27th October 1761; That She was Loaded with 290 Barrels Flour &ca; that on the 2^d or 3^d Nov^r they proceeded to Sea, and had orders to go to Cape François where he Arrived the 3^d December; That

he Delivered the Cargo at Cape François to M^r David M^cCarty, & about the 10th or 12th January M^r McCartys shipt on board said Snow, a Cargo of Sugars, and on the 29th March he Sailed from the Cape.

I Need Add no Remarks on the foregoing to shew the Height to which this Iniquitous Trade is Arrived, & the Absolute Necessity of Crushing it: From the orders You have been pleased to give for Stopping Provisions I have already Seen Some good Effects; for one of the merchants Mentioned as the owner of the Snow Johnson, viz^t Waddell Cunningham, has this day offered a Quantity of Beef, which I can have no Doubt he Intended to have Shipt for the Enemy; but as from the Intelligence I have Received of Several Vessells Loaded with Provisions having Sailed from *New London* Since the orders given to stop Provisions, I have thought proper to Apply to the Governors of Connecticut & Massachusetts bay to Lay a General Embargo, I must Request You will take Such Measures as may totally prohibit any Provision Vessells being Cleared out from this Port, unless Such as go on Acco^t of the Crown, for I would not Desire an Embargo here, if I can Carry on the Service without it, & that I find no attempts are made to Supply the Enemy with Provisions.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

Hon^{ble} Lt Governor COLDEN.

JEFF: AMHERST

From Lieut. William Winepress to Gen. Jeffery Amherst
[Copy]

SIR,

ALBANY, May 6th 1762.

I Beg leave to Lay before Your Excellency the Enclosed Letter I received Yesterday from Capt. Le

Hunte, that You may be Informed to what a great pitch of Insolence the Inhabitants have got to in this part of the Country; there is no making them do any thing but by mere Force; and as Colonel Bradstreet has frequent occasions to press Horses & Carriages round the Country; the small partys that are Sent on these dutys are often ill treated by the Country People, who Insist that the Press Act has been Expired long ago, & that they will pay no Regard to Colonel Bradstreet's Warrants till a New Act is made by the Assembly; if Some Method is not taken to punish these People, the few Troops that are now here, will not be able to Carry on the Service, as any partys I can Send from hence are not Sufficient to oblige the Country People to bring in their Carriages, when they are obstinate & make opposition against them.

I am,

Sir,

&ca

WILL^m WINEPRESS

His Excellency Sir JEFFERY AMHERST.

Copy./. Letter from Captain Le Hunte to Capt. Lieut. Winepress Enclosed in the above.

Half moon, 4th May

D^r Winepress,

As soon as I got here I applyed to Your Corporal to get me a Horse, and gave him Colonel Bradstreet's Warrant; He went to One Waldrum with it, who said it should have no Effect with him, and that he & his whole Command should not take a Horse belonging to him, and that he would Repel Force by Force, and began to Assemble 4 or 5 Men telling the Corporal he valued neither Col^o Bradstreet, Gen^l Amherst, or even His Majesty.—this being the Case I was Resolved to Convince the Rascal his threats should not have any weight with Me; and as the Corp^l had but one man with him I Desired him to Collect his whole party, and with my Men to take one of his Horses by Force, and to Secure the said M^r Waldrum, who, on Seeing me Determined, made his

Escape, but the party Secured a horse. This is the fellow who has beat Your Corporal; and I think it right that he should be represented to the Col^o that some Scheme may be taken to punish him otherwise Your Small party will not be able to Act here.

I am Your Sincere Friend & Humble Servant

GEO: LE HUNTE.

From Gen. Jeffery Amherst

NEW YORK, 6th May 1762.

Sir,

I am to thank You for Your Letter of Yesterday, Returning me the French Papers; the originals of which, I shall transmit, as I mentioned to You, & keep attested Copies of those Relating to Monsieur Comte, which I shall Send You, that they may be made Use of as You may hereafter think proper.

I Can Devise no better Means of Recruiting for the Regular Corps than what I have already mentioned, by Employing Provincial officers, who must be best Acquainted with the Country; I should Imagine the Yorkers would readily Enter into the Independ^t Companies; and therefore I Could wish to Compleat them, while they are here.

Altho' I hope the whole of the Provincials will be Raised, Yet the Detachment Intended for Immediate Service, is certainly first to be thought of; and they cannot be too Soon formed, as I wish to Make the Embarkation without Delay.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

JEFF: AMHERST

P:S: I am likewise to Acknowledge the Copy of Your Message to the Assembly, with their Answer thereto.

J:A.

Hon^{ble} Lt Governor COLDEN.

From Gov. Josiah Hardy

PERTH AMBOY [N. J.] 7th May 1762.

Sir,

M^r M^c Lachlan delivered me Your letter of yesterdays date wherein You desire me to allow him to inlist Men into the pay of your Province. it is true we have turnd away a great many men who would willingly have Served in our Regiment, but I own I can not approve sincerely of their entering into any other Provincial Service, as it will be a means of preventing our being able to supply Our Quota for recruiting the Regular Corps which is a Service I have at this time very much at heart. however any impediment in his way, all I shall request is in case I have acquainted M^r M^c Lachlan that I will not throw he meets with any Success, that the Men he may inlist shall be returnd into this Province again at the expiration of their Service

I am obliged to you for what you have done in regard to the Deserter who I imagine has inlisted into your Regiment if he is it is a pity he should escape punishment.

I am with great regard

Sir

Your most Obedient Humble Servant

The Hon^{ble} CADWALLADER COLDEN, Esq^r

JOSIAH HARDY

From Gen. Jeffery Amherst

NEW YORK, 8th May 1762

Sir,

I am to own the favor of Your Letter of this Days Date, and to thank You for the Directions You have been pleased to give for Stopping all Provision Vessells at the Custom House: I Have already applied to the Governor of the Jerseys to give the Same Directions in his Government; And Yesterday I wrote to Governor

Hamilton, Desiring a General Embargo might be Laid at Philadelphia, and the other Ports within the Province of Pennsylvania, as I had certain Intelligence of the Merchants there Collecting great Quantities of Provisions, which I Concluded were Intended to be Sent to the Enemy.

The Sailors taken from on board the Illicit Traders, that are proper Evidences against the Persons concerned in that Commerce shall certainly be Discharged as You Desire, on their giving Such Security as You think Sufficient for their Appearance; but the Persons who offered to give Security for the Mate of the *Dove*, when Captain Houlton agreed to it, Declined, for Some Reasons best known to themselves; and I must own, I would not advise the Discharging of any of them, without Security that can be approved of by You.

If You please to let me know the Names of the Four Convicts, I shall Send to have them Examined; and if they appear to be fit Subjects, I shall order them into the Regular Service.

I am very far from thinking that the Vessells Employed in the King's Service, should not be Subject to the Rules of the Custom house; and I shall give Immediate orders to send in a List of them, and that the masters do Conform in Every particular to the Laws of Trade.

I Know of no Quarrell that has happened between Captain Pryce & the wardens of the Port; but I should very readily give the Latter Redress, if they prove their having Received Affrontive Usage from Captain Pryce, which I shall by no Means allow, either to them, or any of the Inhabitants of the place, as far as Depends on me. If the Quarrell has been occasioned by the Joyning of three Masters of Transports in the Measuring & Valuing of the Vessells taking up here, I Cannot help observing that I found it very necessary to order them to Assist in that Service, and when it was proposed, M^r Jeffery the Master Warden, very readily agreed to it: The Many gross frauds that have been used in the Measurement of

Vessells in this Country, oblige me to be particularly Carefull in this respect, as I have Complaints from the Navy Board of the Scandalous Impositions that Appear to have been made, & Desiring I May punish those who have been Guilty of them

I am, with great Regard,

Sir,

Your most obedient Humble Servant.

Hon^{ble} Lt Governor COLDEN.

JEFF. AMHERST

From Gen. Jeffery Amherst

NEW YORK, 9th May 1762

Sir,

By the last Post from Albany, I had a Letter from Colonel Bradstreet, in which is the following Paragraph.

"The Difficulty we have to get Carriages for His Majesty's Service, and the Ill treatment the King's Troops Receive from the Inhabitants, under pretence of there being no Law for Impressing puts Me Under the Necessity to Acquaint Your Excellency that the People of this Country Declare that Unless an Act of Assembly is past for that purpose, they will not Suffer their Carriages to be taken for the publick Use, & that the Troops in Garrison here are not able to take them against their Inclinations: The Mayor of this City is so Sensible of this that he is to Acquaint the Lieut. Gov^r of it, in hopes of having an Act passed for it now."

I Have likewise a Letter from Capt. L^t Winepress, Enclosing One from Captain Le Hunte, Containing a Complaint of the Same Nature, Copies of which I herewith Send You, that You may See the Spirit of the Inhabitants above Albany; And I Must Request You will be pleased to Lay before the Assembly the Necessity of passing Such a Law; for I am Sorry to say that the People in General up the Country, notwithstanding there having Reaped the greatest Advantage from the Troops coming amongst them, through a spirit of opposition to

Every thing belonging to the Army, do all in their power to obstruct the King's Service.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

Hon^{ble} Lt Governor COLDEN.

JEFF: AMHERST

From Gen. Jeffery Amherst

NEW YORK 10th May 1762.

Sir,

I am Sorry to find by your Letter of Last Night, that from the Representations of the Mayor of Albany, &ca, concerning the Impressing of Carriages, &ca, for the King's Service, you are Apprehensive that any Message of yours to the Assembly would rather have a bad Effect, than procure any Law in its favor.

I Have, on Every Occasion, been ready to Redress any Grievances, when Complaints have been made to me, of Abuses Committed by the Military; And when you send me the Mayor's Complaint in Writing, I shall transmit Copies to Colonel Bradstreet, to have the Truth Enquired into; but I am too well Acquainted with the Opposition any Commanding Officer, in that Quarter, finds in Carrying on His Majesty's Service, to Wonder at his being Obligated to Use Force on some Occasions, otherwise it would be altogether Impossible to Execute the Orders he receives, which tend to Carrying on the Service, & are for the good of the People of this Country in General: If the Civil Magistrates were as ready to Grant their Authority as they pretend to be, I am Sure no officer, or Soldier, would be Employed to Impress Either Carriages or Horses.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

Hon^{ble} Lt Gov^r COLDEN.

JEFF: AMHERST

From Gen. Jeffery Amherst

NEW YORK 10th May 1762.

Sir,

Having now made all the Use of the Papers concerning the Illicit Trade, which I Intended, I herewith Return them to you, with Attested Copies of those to Mo^r Comte's, relating to the People at Boston, together with a Translation of the Same; having sent the Originals to the Governor of the Massachusetts Bay, that he may take the proper Steps for bringing the Persons mentioned therein, if they are to be found within his Government, to Condign Punishment.

The Necessity of punishing those who have been Guilty of promoting & Carrying on this Infamous Trade, is, I am persuaded, so apparent to you, that I shall say Nothing more on the Subject, being well Convinced you will do Every thing in your power to make a proper Example, to Deter any Person, at this port, from Venturing into such unwarrantable Commerce, for the future: I must only observe, that it appears Extraordinary to me, any One who Enjoys the Benefit of a British Subject, should, with Impunity be permitted to Transgress the Known Laws of the Kingdom, whilst a Frenchman, whose principles may Naturally Lead him to Assist his own Country, is punished according to the Nature of the Crime: You will perceive that I Allude to M^r Van Solen, & Several others, who, it seems, are Inhabitants of this place, and Enjoy their Liberty, notwithstanding there are the most glaring proofs of their being deeply Concerned in this Destructive and pernicious Trade.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant,

JEFF: AMHERST.

Hon^{ble} Lt Gov^r COLDEN.

From John Tabor Kempe

[NEW YORK May 12th 1762]

Sir

Pursuant to your Honours Commands of Monday Evening, I have perused the English Papers relating to the illicit Correspondence with the Kings Enemies, then delivered me by your Honour for that Purpose—I dare not rely enough on my own skill in the French Language to venture to say any Thing about them, until I can procure them to be translated, and as in an Affair circumstances as this too great Care cannot be taken, that it become not too soon publick I have not ventured to entrust any Person with the Translation

In answer to your Honours Questions to me viz^t—of what Force are these Evidences? how far they will be Proof in a Court of Law? What farther Evidences as may be necessary? How the Testimony of the Sailors on board the Men of War may be secured? What is the Nature of the Offence? and how and where it should be tried. I shall endeavour to be as short, as the Nature of so many different Questions will give me Leave.

From the Papers in English, and what I am able to collect from the French Papers, which I understand but very imperfectly, there seems to be the highest Reason to be assured that an illegal Correspondence with the Kings Enemies has been carried on from this Port, but I conceive these Papers alone without other Proof by Witnesses will not be due Proof against any but the writers, and therefore that they will rather serve as Clues to unravell these practices and guide to a more full Discovery than to be trusted to as full proof to convict the persons concerned in this illegal Correspondence.

As to the securing the Testimony of these Sailors I can think of no better Method than what I had the Honour to offer you, with Regard to those Sailors taken on board the Dove I think in the first Place they should be examined before one of the Judges as soon as possible,

and as secretly as can be, least their being examined should be known, and the offenders escape punishment by going off before there is sufficient Proof against them on Oath to justify a Committment your Honour will best judge after what Manner this may be done with the greatest Secrecy, I am afraid in New York it cannot be done secret enough, for tho the greatest Caution was had to keep the Time of the Examination of the Sailors belonging to the Dove from being known, yet I am well convinced it was known while they were under Examination if not before—After these Sailors are examined if more Proof arises from thence it will be necessary to keep them here, so that they may be had on the Trials personally.

They being as I conceive each a particeps Criminis may be committed; or bound over to appear with good Security if the Crime shall appear to the Judge to beailable, and by that Means they may be secured but should it be conceived they are not partakers of the Guilt, but Witnesses only, I conceive they cannot legally be put in Bonds further than their own Recognizance and that I think will be no Security at all against common Sailors.

And here I cannot help saying I foresee many Difficulties may arise in the securing and maintaining these Witnesses until they be wanted, as there is no Fund for contingent Services of the Governm^t of this sort, and I am led into saying this upon recollecting that formerly during Mr DeLancey's administration,—on a similar prosecution, there being no Person or Fund to maintain the Kings Witnesses during their stay—they went away tho bound by Recognizance, and the Court discharged the persons accused, I not being able to bring on the Tryal for want of those Witnesses.

As to the Nature of the Offence til I can understand the Proofs as they affect each Individual, and know fully what the Witnesses will say, it will be impossible to form a just Opinion, it depends so much on Circumstances—A High Crime and Misdemeanor is the least I can call a criminal Intercourse with the Kings Enemies,—Circum-

stances may make it high Treason—should any of the offenders have been guilty of High Treason in Foreign parts They must be tried in England,—If the Treason has been committed here, They may be tried here or in England If on the High Seas they must be tried by an Admiralty Sessions—If it be a High Crime and misdemeanor and committed here, it must be tried here,—If on the Seas by the Admiralty—Those that appear to have shipped Provisions, are punishable on the Provision Act.

I have returned your Honour the Papers entrusted to me, as the most of them are to me unintelligible being in a Language of which I am not Master, and as after they are translated they may be considered together with what other Testimony can be obtained, the doing of which at present seems the most material step

I have the Honour to be with great Respect

Sir

Your most obed^t hum: Serv^t

J. T. KEMPE

NEW YORK May 12^t 1762.

To the Honble Lieut. Gov^r COLDEN.

[Indorsed]

Attorney General's Letter

From Gen. Jeffery Amherst

NEW YORK, 13th May 1762

Sir,

Immediately on the Receipt of Your Letter Enclosing a Copy of the Attorney General's opinion on the Papers concerning the Illicit Trade, I Sent Capt. Houlton & Captain Dalyell to wait on M^r Horsmanden, to know what time would be most Convenient for him to Examine the Witnesses, who are now on Board the Enterprize; but as he was then Employed on other Business they will wait on him again, when I hope that Affair will be Settled.

Any Services done by the Officers of the Crown, not

belonging to their respective Departments, ought certainly to be paid for; but I Conclude that it is the Duty of the Attorney General to give his Advice, on Such Occasions as these.

Captain Houlton being with Me when I Received Your Letter I Acquainted him with that part relating to the Examination of the Witnesses on board the *Dove*; And he Declares he never Mentioned it to any Person whatever, & was Surprized when he was told of it.

You Acquaint me that on Your Informing the Council that You had, at my Desire, stopt the Exportation of Provisions, they asked You, if You had an Instruction from the King for that purpose, to which You Answered in the Negative. I Have no Instruction neither, but I have thought it my Indispensible Duty to Desire this Measure, from the Discoverys Made of the Attempts to Supply the Enemy with Provisions, from this as well as other Ports on the Continent; and I have not failed to Report the Same to the King's Ministers, which I have not the least Doubt will meet with His Majesty's Approbation.

I am with great Regard,

Sir,

Your most obedient Humble Servant

Hon^{ble} Lt Governor COLDEN.

JEFF: AMHERST

From Sir William Johnson

FORT JOHNSON May 15th 1762

Dear Sir

It gives me great concern to hear by your favour of the 3^d Ins^t of the loss you have lately sustained by the death of your Daughter M^{rs} Willet, as also of her Sisters indisposition, which I heartily wish she may recover from, and I beg you will beleive me to be much affected with your late Misfortune, and verry sensible of what you must feel on such an occasion.

Mr Banyar has sometime ago transmitted me the order with respect to Klock, and the Conajohare Lands which I hope will prove effectual, I have not yet acquainted the Indians therewith, least it might have been premature as I understand it is become a point of Law, Klock & Fonda having ejected the Tenants on those Lands in the Winter, for an explanation of which, I have wrote to Mr Banyar, who I hope has communicated to you my letter thereon.

I have lately had a Meeting here of all the Six Nations &ca to the Number of near 500, who have declared themselves verry well thereat, I made them acquainted with his Majestys late Instructions to You, which seemed to give them great satisfaction with regard to their Lands in this part of the Country but they are all vastly uneasy at the late behaviour of the Connecticut People who are settleing, or about to settle to the Number of a thousand Familys on some Lands scituate on the Susquahana River, claimed by them in virtue of an Illegall purchase made some years ago by John Lyddius of Albany, the consequence whereof, these Settlers and his Majestys Subjects in generall I am apprehensive will fatally feel if not prevented from settleing thereon, & that imediately. The Senecas in particular have at the late Meeting cleared up, and explained the cause of what was laid to their charge last year, have renewed the Covenant Chain, and delivered up two Prisoners, promising to send down 10 others imediately, and to cause the *Monsies* &ca to deliver up all the English amongst them without delay.

In your last favour you mention my qualifieing as a Justice, in order to act as Such, with which circumstance I was before unacquainted and should therefore be glad to know whether such qualification may be made at Albany, & before whom. I am with all respect

Dear Sir

Your most Obedient & verry Humble Servant

W^m JOHNSON

The Honr^{ble} CADWALLADER COLDEN Esq^r
Lieut Governour of New York

From Gen. Jeffery Amherst

NEW YORK, 20th May 1762.

Sir,

I Have this moment the favor of your Letter of this day: I Have had no Letters lately from General Monckton, & know Nothing further of his Coming hither, than what was yesterday Reported in Town: You may be Assured that I should have Acquainted you Immediately if I had had any certain Accounts of it; but I am apt to think that General Monckton himself would not have Determined his Setting out, before the Arrival of My Lord Albemarle.

I am, with the greatest Regard,

Sir,

Your most obedient Humble Servant

HON^{ble} LT GOV^r COLDEN.

JEFF: AMHERST.

From Gen. Jeffery Amherst

NEW YORK, 20th May 1762.

Sir,

I Have Just now Your Letter, Acquainting Me of Your having received a Private message from the Assembly, wherein they Inform You, that the Obstructions to the Enlistments arise from an apprehension which generally prevails among the Men, that the 553 Men to be Embarked of the Provincial Troops in the pay of this Province, are to be sent to the West Indies, & to be Compelled to Inlist with the Regulars, and therefore Desiring Assurances from Me, that the Provincial Troops in the pay of this Province are to be Employed on the Continent of North America only, and that they Shall be Returned to the Province, as soon as the Service is over, without being Compelled into the Regular Troops.

With regard to the Apprehension of Compelling the men to Enlist into the Regular Service, I need only Referr You to My Letter of the 2^d April, wherein I Re-

quested the Quota Intended for the Expedition; and I should be Sorry Any one should Entertain Such an opinion of Me, that I would Execute His Majesty's Commands so ill, as to make Use of any Deceptions in Requiring the Men ordered on Service: Their Destination must Remain a Secret for the present, as I am not at Liberty to Divulge it; but by My forementioned Letter, You will See, that the Provincial Troops are to Return so Soon as the Service on which they are going is Effected.

The Remainder of Your Province Troops, are ordered to Albany, & from thence to Oswego, where they will be Employed as last Year, unless other Services Call them from thence; and when the Campaign is over, they will, of Course, be Sent back to their homes, if His Majesty's Service does not require that I should make any further Requisition from the Province; which it is Impossible for me at this time to Determine.

I Can't help Expressing My Concern to find that, there are only 377 Men of the New York Detachment as Yet Embarked; so that there are still wanting to Compleat 176 Men; altho' both the Rhode Island, & Jersey Detachments are Compleat, and on board; and that I am Informed the Quota Demanded from Connecticut, is also Embarked & I Expect them here hourly: I have Spoke to Colonel Thodey to forward this Service, but I Must Request You will Repeat Your orders for Compleating the Detachment without Delay.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

Hon^{ble} Lt Governor COLDEN.

JEFF. AMHERST

From Gen. Jeffery Amherst

NEW YORK, 22^d May 1762

Sir,

What You mention in Your Letter of this Day, concerning Some Merchants of this Place, having Entered

into Contract to Send Provisions to the Havannah, by way of the Island of Providence, is the first I have heard of Such a Scheme; I shall Endeavor to Sift into the truth of it, & Acquaint You of whatever I can Learn: I Had Some Notice of the People at Philadelphia forming Such Designs, and I therefore Desired a General Embargo at all the Ports in that Province, which has Accordingly been Laid; and I am hopefull that, with the prohibition on the Exportation of Provisions at this Port, will Effectually prevent their putting their Intentions in Execution.

Some days ago I had a Memorial from Mess^{rs} Rieux & Comte, to the same purport with the Letter You Mention to have received from them; but I must give it as My Opinion, that those Gentlemen should remain as they are, untill some Determinations are taken on that Affair.

I am, with great Regard,

Sir,

Your most obedient Humble Servant,

Hon^{ble} Lt Governor COLDEN.

JEFF. AMHERST.

From Gen. Jeffery Amherst

NEW YORK, 24th May 1762

Sir,

I Have this moment received a Letter from Governor Bernard, of which the following is an Extract.

"The Province Ship King George has sent into this Port as a Prize, the Sloop Sally, John Shoals Master, Laden with Sugar & Indigo, from Hispaniola; from the Depositions which have been taken this Day, it appears that she left New York, Loaded with Flour, *without any Clearance* or any publick Papers, Except her Register; That she went to the Port au Cayes, near Port Louis, in Hispaniola, where she Disposed of her Cargo, and took in a Lading chiefly of Sugar & Some Indigo: The Owner is M^r Lawrence Kortwright of New York."

The Governor Adds, that the Master has Behaved in a very Candid manner; but as the Above Vessel is one of those in the List which you sent me sometime since, and that it appears she was regularly Cleared out for Jamaica, the 26th January 1762, there can be no doubt but the Master has Either Sunk or Secreted his papers, and I shall Write accordingly to Gov^r Bernard.

By a Report that has been made to me, I find there are a Number of the French Prisoners that were in this Country, Enlisted among the Yorkers, & the Enclosed is a List of those on board the Transports; some of which have Represented to me, that the Officers who Enlisted them, obliged them on passing Muster, to Declare themselves *Germans*, and Contrived to give in their Names in such a manner, that they passed for Such: As I do not think it safe to Employ those Men on the Expedition, I must Desire you will be pleased to give Orders for Exchanging them with a like Number from the rest of the Troops; and give Direction to the Recruiting Officers not to Enlist any such for the future, unless they have been in our Service before; but Even those I would only Chuse to Employ to the Westward.

I am, with great Regard,

Sir,

Your most obedient Humble Servant.

HON^{ble} LT GOV^r COLDEN.

JEFF: AMHERST.

Petition from Two French Prisoners

[Translated from the original French]

[May, 1762]

To his honor, Mr. Colden, Lieutenant Governor and Commander in Chief of the Province of New York.

Humble petition of Jean Batiste Rieux and Pascal Comte, Frenchmen detained in the prison of this city:

If we were less aware of your honor's nobility of sentiment and goodness of heart, we should have less

confidence in the respectful petition we are taking the liberty of presenting to you. The object of this petition is to obtain from your honor our release from the prison of this city, where we were confined on the third of this month of May. We pledge our word and honor that we will appear every time and whenever we are summoned. Besides, if it is required, we will give security in the city for our good behavior and for our conforming exactly to the orders which we shall be given. Your honor is not ignorant how disagreeable it is for men of honor to stay in a house like this where we are now confined. We are foreigners and consequently ignorant of the laws and customs of the country. If we erred in any respect, it was through ignorance and not through malice, of which we are incapable. But it is in the kindness of your honor's character that we place our firm trust of obtaining the grace we are requesting. We need only that. We have no doubt about receiving our liberty through so generous an intercessor as your own goodness. We do not cease making the most sincere good wishes for your honor, of whom we are respectfully,

RIEUX

P. COMTE

[Indorsed]

Received May 22nd 1762.

David (?) Colden to Cornelius Low Esq

[Copy]

NEW YORK May 24th 1762.

Sir

There is a Land trial comeing on at the next Circuit Court in Ulster County in this Province, which is to be held the 3^d Tuesday in June, between some of the owners of Minissink Pattent, and one M^c Neil who possesses Lands that are suppose to ly within the Tract formerly granted to Captⁿ John Evans. In this Controversy the South bounds (commonly calld the North West line of Evans's Pattent) is a most material Point You no doubt

Remember Sir that you did many years agoe run that Line from Stony Point on Hudsons River, being Deputed for that purpose by my Father. It will be very necessary that some Evidences concerning this line are produced in Court, and as there cannot be any other so proper as yourself—the bearer Mr Simmerel waits on you to in-deavour to prevail on you to go up to Kingston at the time of trial. This is an affair of such great Consequence & your Evidence may be so very material & is perhaps the only one that Can now be come at that I hope Sir you will if possible go up—Please if you can to give Simmerell a Memorandum of the Persons Names who were with you on that Survey & to note any of them that you know to be alive

To CORNELIUS LOW Esq^r

New Jersey

[Indorsed]

Copy Letter to Mr Low. N. Jersey

Petition from Two French Prisoners

[Translated from the original French]

Sir,

[May 25, 1762]

We have the honor to send you our petition, praying it may please your honor to grant our release from prison, on the promises we have made and which we repeat, to furnish security for our good behavior. We will appear every time we are summoned. We promise to obey the commands you lay upon us, and to be submissive to them always.

From whom, Sir, ought we hope for liberty if not from a magistrate filled with kindness and pity? It is in your honor that we put our trust, that you will not let us perish in a place where vermin and insects torment us, where we sleep not and where we are fearful of contracting a grievous disease.

If your honor permitted us the good fortune of a moment's audience for our justification, you would find in us only probity and good faith.

We are respectfully, Sir, your honor's

Very humble and very obedient servants,

RIEUX

P. COMTE

From the New York prison

May 25, 1762

From John Cruger

NEW YORK May 25, 1762

S^r

The Magistrates of this City have by Different Conveyances Certain Inteligence of a Very Contegious fevor Raging both at Martinique & Granadoes And Are Also Informed that the Sick of His Majestys Troups from them Islands Are Expected here, which at this Season of the Year may prove of fatal Consiquence, as well to His Majestys Service, as to the Inhabitants of this City, In whos behalf the Corporation Humbly Request your Honour will be pleased to Use the Necessary precautions. Bedlows Island was purchased by this City for the Reception of Such Unhappy people as should arrive here with any Infectious Disorder, which Island the Corporation Desired Me to Offer, I have the honour to be

Y^r Hon^{rs} Most Obed Hum^b Sar^t

To the Hon^{ble} CADWALLADER COLDEN &c

JOHN CRUGER

From Gen. Jeffery Amherst

NEW YORK 25th May 1762.

Sir,

M^r Jacob Franks, of this place, having Represented to me, that as Agent to the Contractors for Victualling His Majesty's Navy at the Island of Jamaica, he has Orders

to ship a Large Quantity of Flour & Bread for the Use of the Fleet already Arrived, & soon Expected, there; which becomes the more Necessary from the Advice he has just received of two Vessells Loaded with Bread, & Bound thither, being taken by the Enemy; He therefore Requests Leave to Ship on Board the Undermentioned Vessells, the particular Quantities set against Each of their Names, which I must Desire you will be pleased to Allow, by ordering the Custom house Officers to Clear the said Vessells, on M^r Franks's giving Bond for the Delivery of the said Flour & Bread at Kingston in Jamaica: It will be necessary that the Bond is very particular with regard to the Quantity of provisions, that no bad Use may be made of this Indulgence. The Vessells which M^r Franks Desires to Load at present, are.

1 st The Brigantine Charlotte W ^m Thomson Master	} One Hundred Barrels of Flour, & Four Hundred Barrels of Bread.
2 ^d The Sloop W ^m & Mary Sam ^l Gilford Master	} One Hundred Barrels of Flour & Three Hundred & twenty Barrels of Bread
3 ^d The Sloop Antelope James Wright Master	} One Hundred Barrels of Flour & Three hundred & Fifty Barrels of Bread.

I am with great Regard,

Sir,

Your most Obed^t Humble Servant.

JEFF: AMHERST

Hon^{ble} L^t Gov^r COLDEN.

From Gen. Jeffery Amherst

NEW YORK, 26th May 1762.

Sir,

Your Letter of this day, Enclosing One from the Mayor, in relation to the Sick Supposed to be Coming

from Martinique, & Another from Mess^{rs} Rieux, & LeComte, regarding their Confinement, was this Moment delivered to me.

I Have not had the least Intimation of any Sick Coming from the West Indies to this Place; and with regard to the Contagious Fever that is Said to be Raging at Martinique & the Grenades, I am far from thinking that there is any truth in that Intelligence, Since by all Accounts from thence, I have the pleasure to Learn that the Troops who went from this Continent, were as healthy, as I could have Expected had they remained here; those that went from Belleisle, which are to remain at the Grenades, were reported to be Sickly; However as it may be, some of the Sick will be Sent to this place; and as I would most Carefully avoid any thing that could Endanger the Lives of the Inhabitants of this City, I shall order the Director of the Hospital to take a view of the Houses on Bedlow's Island, & to Report to Me his opinion of that or any of the other Islands, which may be Suitable in case any of the Troops should arrive here, and that their Distemper appears to be Contagious: And the greatest Care shall be taken that a due Examination is made before any are permitted to Land; but whatever their Ailments may be, I hope the People of this Country will Joyn with me, in thinking that due Care Should be taken of them, & that no idle Reports of timorous People should prevent their receiving the Necessary helps for their Recovery.

I shall, at all times, be ready to Conform in Every respect to the Laws of the Province, and I can have no objection to the Pilots bringing the Vessells, that may Come with the Sick, no farther than Bedlow's Island until they are Visited by a Physician, I wish the Pilots were only as Exact in the Discharge of their Duty on Every other Occasion, as I would have them be in this

Notwithstanding the Representations of Mess^{rs} Rieux & Le Comte, I must Confess I am Still of the same opinion, with regard to their Enlargement. As to the Loathsomeness of the Goal, of which they Complain, if it is so,

it is very different from the Report that has been made to me. Would you think it right to send a Proper Person to visit their Apartment?

Colonel Thodey was with me Yesterday, in Consequence of Your Orders, & has Repeated his Promises in Endeavoring to get the Detachment Compleated which I hope he will able to Effect. In the meantime the French remain on board the Transports.

I am obliged to You for the Directions You have given for Clearing out the Vessells belonging to M^r Franks, Loaded with Provisions for the Use of the Fleet at Jamaica, which I am persuaded will be very acceptable, as the Numbers in that part of the world must, in all probability, be greatly Encreased by this time.

I Return You the Mayor's Letter, & that from Mess^{rs} Rieux & Le Comte

I am with great Regard,

Sir,

Your most obedient Humble Servant,

JEFF: AMHERST

Hon^{ble} Lt Governor COLDEN.

From Gen. Jeffery Amherst

NEW YORK, 27th May 1762

Sir

M^r Franks having sent me the Names of two more Vessells which he purposes to Load with provisions for the Use of the Navy at Jamaica, I am to Desire you will be pleased to Direct the Custom house Officers to Clear them, on M^r Franks's giving Bond for the Delivery of their Cargos at Kingston in like manner as the former:

The Names of the Vessells, with the Cargos to be Shipt on board them are as under Viz

1 st Brig ^{ne} Brookland, Capt. Masterson	} One Hundred Barrels of Flour, & Three Hundred fifty two Bar- rels of Bread.
--	---

2 ^d Brig ^{ne} Jacob, John Sarley Master	}	One Hundred Barrels of Flour & Three Hundred & fifty Barrels of Bread.
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I am with great Regard,

Sir,

Your most Obedient Humble Servant

JEFF: AMHERST

Hon^{ble} Lt Gov^r COLDEN.

From Gen. Jeffery Amherst

NEW YORK 30th May 1762.

Sir,

I am to thank you for the Orders you had given to the Commissaries to Send Directions for paying the Bounty to the Troops at Albany; but I am Sorry they were so Negligent as not to have Sent it immediately on your Granting a Warrant for Issuing it

Before I received your Letter I had Desired Colonel Amherst to make an Offer of the Surgeoncy at Annapolis Royal to M^r Charlton, upon Condition he Resides there: I have not yet his Answer, so that I know not whether he will Accept of it: If he does not, I shall very willingly Appoint any Person you Wish to provide for, upon the same Conditions, & I will Enquire about M^r Philips's Character: I thought the Sallary was more than what is mentioned in M^r Wood's Letter, but I think it necessary that the Person I Do Appoint should Reside on the Spot for the Discharge of his Duty I Return you M^r Woods Letter.

I Have not forgot Lieut: Turnbull, and You may be Assured I shall have a pleasure in providing for him when any opportunity Offers.

I am, with the greatest Regard,

Sir,

Your most Obedient Humble Servant,

JEFF: AMHERST

Hon^{ble} Lt Governor COLDEN.

From Gen. Jeffery Amherst

NEW YORK, 30th May 1762

Sir,

By Letters I received last Night from Col. Bradstreet & Cap^t L^t Winepress at Albany, they Acquaint me, that the Bounty money for the York Troops not being Arrived at Albany, the Officers cannot prevail on any of the Men to Leave the place without it altho' I had Sent Orders for forwarding them immediately to Oswego.

As the Season is already far Advanced, & that it is high time, the Men were at their Destination, I must beg you'll be pleased to Send such Orders to the Commanding Officer of the Yorkers at Albany, as may satisfy the Men, & prevent any further Delays on this Account

I am, with great Regard,

Sir,

Your most obedient Humble Servant

JEFF: AMHERST.

Hon^{ble} L^t Gov^r COLDEN.

From Gen. Jeffery Amherst

NEW YORK Friday morn^g

4th June 1762.

Sir

I Have just now your Note, and shall do Myself the pleasure of Attending you at twelve o'clock to Drink the publick Healths.

I Have received a Memorial from a M^r Fra^s Welch of this Place, Setting forth, that "he is Engaged to Supply, "for the Use of the Garrison at S^t Johns, in Newfound-
"land, One Hundred Barrels of Flour & Ten Tuns of
"Bread, within the Space of about 3 Weeks from this
"time, & that altho' the Value thereof is not above Three
"hundred pounds Currency, he is willing to give Security
"of One Thousand pounds Sterling, for Landing the Same

“at St Johns aforesaid.” As these provisions are for the Use of the Troops in Garrison there, and that M^r Welch’s proposal is very fair, I must beg you will be pleased to Order the Custom house Officers to Clear out the above Quantity of Flour & Bread on M^r Welch’s giving the Bond as before mentioned, for its Delivery in Newfoundland.

I am with great Regard,

Sir,

Your most Obedient Humble Servant,

JEFF. AMHERST

Hon^{ble} Lt Gov^r COLDEN.

David (?) Colden to Messrs. Livingston & Ogden

[Copy]

June 7th 1762

Gentlemen

I shall send a certified Copy of the Pattent to Peter Vanburgh Livingston and John Provoost, by M^r Brush, one of M^r Banyars Clerks who is to be at the Circuit Court at Kingston. This Pattent was granted to them in trust for M^r Alexander; the Land lies within the Dispute between Evans’s & Minissink Pattents: and M^r Alexander took a grant of these 3000 Acres in lieu of some lands lying in the same bounds which he had held under the Pattent to Wilson and Company or Minissink. I likewise send the Draft of these Lands in the handwriting of Lewis one of M^r Alexander[’s] Clerks, which I mentioned to you when I had the pleasure of being with you: it is not so particular as I then thought it was, nor do I imagine it can be of any use but for your own information. The Lotts which M^r Alexander held under Minissink Patent are N^o 28 and N^o 19: the Northwest line of Evans’s Pattent you will see runs through No 19. The Grant to Livingston and Provoost comprehends only so much of No. 19 as lies to the North Eastward of that line, and in lieu of No. 28 he took the tract which I have

marked off with black lead lines. In order to supply the use which you expected to make of this Grant to M^r Alexander I shall send you a Copy of a Pattent granted to James Stringham and Daniel Everet which is laid down on the Draft: Everits father purchased in the Minissink Pattent & his son Daniel Everit took out this Pattent after the N.W. line of Evans's Pattent was established by the Gov^r & Council to begin at Stony Point—Daniel Everet lives at Goshen in Orange County & if you think it proper you can send a Suppoena to him

[Indorsed]

Mess^s LIVINGSTON & OGDEN
at Poughkepsay

From Gen. Jeffery Amherst

NEW YORK, 11th June 1762.

Sir,

I Have this moment received from Colonel Brewerton a Return of the Names, &ca of Four Men of the New York Detachment that Deserted last Night: If those Men could be taken, & punished, it might be a means of putting a Stop to any further Desertion, & herefore I Enclose you a Copy of the Return, that you may be pleased to take such steps as you shall Judge best for the Apprehending of the said Deserters

I am, with great Regard,

Sir,

Your most Obedient Humble Servant.

JEFF: AMHERST

Hon^{ble} Lt Gov^r COLDEN.

From Gov. Robert Monckton

FORT GEORGE August y^e 4th 1762

Sir

Inclos'd I send you for your Perusal a Letter with some Papers I receiv'd from the Lords of Trade, in

Answer to some of yours; which you will be pleas'd to Return when you have perused them. There is an alarm of some of the People at the German Flatts being cut off, but I am in hopes that it will not turn out of much Consequence. Sir W^m Johnston is March'd with the Militia.

I hope Sir, you Enjoy your Health
And am with much Esteem
Sir

Your most obedient Hum^{ble} Serv^t
ROB^t MONCKTON

L^t Gov^r COLDEN

Mrs. Catharyna Brett to Sir William Johnson

FISH KILLS August y^e 26th 1762

Honoured S^r

Having been Informed by M^r Van Wyck when Your Honour was there Last that Cap^t Nimham had Informed You that he had Land here and was Kept Out of his Right S^r I Should a thought my Self happy to have waited on Your Honour at M^r Van Wycks had I have known on it and Given You a true Account of the whole Affair which I have many Evidences to prove; S^r I must Trouble You with the foundation of the Affair, Upwards of thirtie Years Ago S^r I met with a Vast Deal of Trouble by Some white people at Poghkeepsie, S^r Wee having the Oldest Pattent of any Round us, the Poghkeepsie People Getting on that part that by Division was allotted to me and Sold part of it I S^r Endeavoured to Convince them in a Kind Manner but there was no Convincing of them and S^r there Lived a Vast many Indians in this Place, When we first Came here and this Company my Adversaries at Poghkeepsie Began to threaten me and I was Advised to Aject two of the white people, they never Apeared but Let Judgement Go by the fault, I Received the Writts of Possession, this EnRaged them, to Sett up the Indians Against me telling

them that I had Stollen their Land, and they would but it, but Old Nimham and two of his Sons Remained my friends, the White People Could Not Corrupt him he was an Honest Morral Creature as Ever I knew for he was an Instrument to protect me for I was in Danger of my Life, and I was obliged to Complain to Governor Bor-net, who Sent for the Ring Leader one Lewis and also the Indians Called a Councel on purpose, and Ordered an Interpreter, had Our pattent and Indian Deed Read to them, the Indians Owned the Indian Names in the Indian Deed to have been the First Proprietors, the Governor Reproved them and made them Decease, and the Governor Desired Me to have that Part Surveyed so that the Indians might be Convinced of the Bounds. He Gave a Special Warrant to the Late Governor Colden Who was then Surveyor General, who Came himself in Order to do it, but was Soon Repulsed by a Company of Drunken Indians who were Sent by them, who threatened to Break his Compass and was Stopped. He Sent for me and I went too him and found Old Nimham and his two Sons With Mr Colden, Perswading of them to Lett it be Surveyed, but in Vain, and then I Agreed with them, to pay them if they Would See it Done, and with much Difficulty Mr Colden proceeded and after it was Done, the Governor Ordered the Indians to Appear before him, and Convinced them. And that time there was Mr Philip Cortland and Mr Guyline VerPlank present, and the Governor Desired to make them a present being they were Indians, and we the Pattenteis Mr Cortland Mr Verplank and my Self, promised we would but not as a Debt but to Renew friendship, I Waited a Considerable time for my Partners to Join with me, and the Indians were Uneasy and they Neglected So Long, At Last I went and Paid my Part which Amounted to Seventy Pounds, and I had Carried to Judge Swartworts [wouts], were Nimham came with the Indians, and they were fully Satisfied, then this Old Nimham put me in mind of a Promise, that I had made him, Concerning a place were he Lived, that he and his Children might Live on as Long as he Lived,

that Neither I nor my Children Should molest them, I Did in Gratitude to Old Nimham, being he was a freind of mine, he never Asked me what Quantity of Land he should have but the Place were he Lived; and when Ever he went of[f], the Land was Mine. But S^r in a Little time After, Some mischevious White people went to the Indians and hired Little Bitts of Land and made them Give thim Leases, then they put in what Quantity of Land they Pleased and Made their Leases, for Ninety Nine Years, And this Old Nimham has been Dead about Twelve Years but his Children might have Stayed on till this Day but his Oldest Son One Shake Came to me and Asked me Liberty to Sell the Improvement to One Cap^t Swartwout I Opposed it at First and a Little after he Came Down Again with Seven or Eight more Indians for Liberty to Sell the Emprovement, I Give him Leave to Sell y^e Improvement, and he Sold it for Twenty Pound. It Being a Precarious time, I Suffered all this, for fear of their Setting up the Indians Against me. About a Year Ago Capt. Nimham was Last with me, And I told him if the Whites Owed him Any thing by Promise he might Get it if he Could, I have Nothing to do with it, but from that time forward he Should make no Demands there, and he Seemed to be Satisfied and thanked me And I have not Seen him Since. Honoured S^r I am ashamed to Trouble Your Honour with Such a Long Scraul but hope you will Excuse me, for Necessity Obliges me to it to Prevent Trouble, S^r I have heard that he has made a Complaint to Governor Monckton and he has Ordered the Attorney General to Enspect into it; S^r if Your Honour would be pleased to Order Some One to Enquire of the truth of what I have Wrought as there are many Evidences to proof it

S^r

I Remain with my Humble Regards to Your Honour,
Your most Humble Servant att Command

CATHARYNA BRETT

[Indorsed]
Letter from M^{rs} BRETT
relative to Lands.

Cadwallader Colden to Gov. William Popple

[Copy]

NEW YORK Sept^r 2^d 1762S^r

I have the honour of Your Excellency's letter of the 1st of July which I should have acknowledged sooner had not my mind been so much affected by recent losses of my dearest relations that I could not fix my attention to any subject

Tho I retain the commission of L^t Gov^{rer} while a Governor in Chief is in the Province I have nothing to do & nothing to receive which has given me an opportunity to retire & pursue those amusements in which I have at all times taken please & indeed are the only pleasures fitted to my age You may then S^r believe that your kind offer of corresponding with me on philosophical subjects gave me unexpected pleasure & I shall not fail by every thing in my power to merit the favour & cultivate a medical Correspondence

The treatise which you mention I suppose is a pamphlet I published in this place several years since On the first causes of action in Matter which was reprinted in London without my knowledge I afterwards enlarged it & had it printed in London under the title of *The principles of Action in Matter* & applied these Principles to the Explication of the Motion of the Planets; but as astronomy had not been my study I fell into some errors which I have corrected in a New Copy ready for the press. In this last I have added from the same Principles an Explication the phenomena of Light & colours. The Elasticity of the air & the cohesion of the parts of bodies in a manner entirely new for I had met with nothing on these subjects which gave my mind the least Satisfaction If on these Principles hitherto inexplicable phenomena can be clearly deduced from this cause it must go a great way in confirmation of the truth of them

You may S^r early imagine that I am desirous to know your objection before the new copy is published & as you tell me that it is so long since you read my treatise that you have forgot your own objection I shall endeavour to bring it to your memory by a short recapitulation of my principles.

The grand object of Physics or natural philosophy is to discover the natural powers by which all the phenomena are produced & it is the only knowledge which can be of use

We have no Idea of Substances or of things themselves other than their power of producing such effects & we have no conception of the manner or how they produce those effects for example We have no Idea of motion other then change of place but the change of place is only the effect or consequence of Motion it gives no Idea of motion or of the power of moving or in what manner it acts in changing its place

Our knowledge of the powers in nature can only be obtained by an accurate observation of the phenomena or effects produced by them & from thence collecting the general rules of Laws which these powers observe in producing their effects in different circumstances we thereby have obtained all the knowledge of nature which can be obtained by our faculties.

From the observation of the phenomena or effects of Matter or body I conceive that the essence of matter consists in its power of resisting any change of its present state whether in motion or at rest & that all the effects or phenomena of matter may be clearly deduced from this power essential to it by which it is distinguished from all other Beings

As motion or a perpetual change of its present state is inconsistent with a perpetual resistance of that change I conclude that the power of moveing must be inherent or essential to some different being or substance & from the phenomena I conclude that Light is this being or Substance to which the power of moveing or motion is essential. By supposing Light at rest you loose every

Idea you had of it or of its effects In like manner take away resistance from body & you have no Idea left of it. From resistance being essential to matter its impenetrability necessarily follows but when we observe that the rays of light are penetrated on every point by other rays which cross them in every point in innumerable different directions from all the surrounding parts of the visible world it evidently follows that the [illegible] of Light are mutually penetrable & that it has no power of resisting & consequently that it is essentially different from matter or body

The Phenomena of Gravitation or apparent (not real) mutual attraction by which bodies at a distance appear to act on each other necessarily supposes some being universally diffused by which the action of one body is carried from one to an other at a distance: for nothing can Act where it is not, The nature of this being the Medium of Action of other beings can only be known from its effects or the phenomena as the nature of all other beings can only be known from their effects If essence consists in receiving the Action of the resisting power & of the moving power & in reacting their action with the same force with which it received their action & from this power of this universally diffused medium I deduce all the phenomena of Gravitation or apparent mutual attraction of bodies

In short the Principles of Physics which I have adopted consists in the different powers of these three different beings viz the resisting moveing & reacting beings & I am confident that all the phenomena of the great & minute bodies may be deduced from them. I hope you will not find any thing unnatural forced or meerly imaginary in this but that these principles & their consequences are obvious to every understanding & would have been easily recieved had not our imagination been strangely perverted in our youth by the school learning calculated to darken truth & impose absurdities on the minds of men to serve bad purposes

However in order to account for particular phe-

nomena it is to be observed that as the rays of light producing different colours have different degrees of velocity essential to them so there are innumerable different species of matter each with a different degree of resisting essential to it.

These are the powers so far as I can discover which produce all the phenomena in the material world Here I use the word Matter more generally for every being distinct from the Intelligent being. For from the phenomena or effects of intelligence every where apparent I cannot doubt of the existence of an intelligent being every where present. The essence of Intelligence is to act with some certain view or purpose. Where Design view or purpose is evident on the Actions of any being its actions must be directed by intelligence To give motion or resist motion or to react are not nor can they be conceived as the effects of intelligence but only the direction of them to serve a certain purpose is the proper effect of Intelligence. If the Intelligent being could give motion or resist motion the existence of other beings become unnecessary & on such supposition it can never be proved that any other being exists but at the same time this absurdity follows & that this acts allmost in every case oppositely & contrary to it-self. Hence the existence of the other substances & powers of Acting cannot be denied without an absurdity

The only Action of the Intelligent being on the material is to give direction to the action of the material in such cases where it is not determined of it self for example Suppose the Earth to be impelled by the rays of the Sun & that the force of Gravitation at the distance the earth is be equal to the force of Light in this case the earth can neither move from or to the Sun but by moving at right angles to the line connecting the centers of the earth & sun both powers would have their effect viz Light by giving it motion & Gravitation by preventing its going farther from the sun Now the earth may move at right angles in any direction in a plane that is perpendicular to the line connecting the centers of the sun & earth &

there is nothing in the Actions of Light & Gravitation to determine in what direction the earth shall move in that plane but the particular direction is determined by the intelligent being to serve its purposes or Design in the system

Now Sir I have given you as fully as I can in the bounds of a sheet of paper a general notion of my principles of Philosophy & I hope you will give me your sentiments of them with that philosophical freedom which is essential to sincere search of truth, you will find some objections answered in the monthly review for November 1759. I am with great regard

S^r Your most

As I am now in the Country about 15 miles from the City please to direct your letters to be left at the Post Office or Custom house in New York

His Excellency WILLIAM POPPLE

From Dr. Robert Whytt

EDINBURGH October 30th 1762

Dear Sir

I was favoured with your kind an Instructive letter of February 25th, also with another Shorter one Informing me of the melancholy event of M^{rs} Coldens Death, on which account I most heartily sympathize with you. I ought to have wrote long before this time but a multiplicity of other business & the bad state of health my wife has been in for above a year past, have made me on this occasion a very unpunctual Correspondent. When you desire to entrust you papers on the *Principles of action in Matter* to me you do me an honour which [I] really do not observe, for your reasonings on that Subject will be much to deep for me to pretend to Judge of them; However, altho I cannot give a Judgement on your work myself, I shall put it into the hands of some who are better versed in these matters & shall either

endeavour to get it published or deposite it in our Library as they shall advise. I have therefore, along with this, written to Mr Collinson to put your Manuscript into the hands of a Gentleman who will take Care to transmit it safe to Edinburgh

Last year I Sent you by the hands of D^r *Shippen* of *Philadelphia* a Copy of my review of the Controversy with Dr *Haller* which I hope you have received before this time, if not, I shall endeavour to transmitt another Copy to you.

I have only to add that I am with esteem & regard

Dear Sir

Your most humble and obed^t Servant

ROBERT WHYTT

[Indorsed]

To

CADWALLADER COLDEN Esquire

Lieutenant Governour of

New York at

New York

North America

From Gov. William Popple

December the 20th 1762.

Sir

I have received your most obliging Letter of the 2^d of September last, which I received with the greater pleasure, as it convinced me of a truth I had long layd down to myself, "that Men of true Genius and knowledge are "always better pleased to have their sentiments fairly "canvassed, than blindly submitted to." My reason for laying this down as a principle is, that Truth is the Object of the Enquiry of Men of Sense, and that whether they find it in their own heads or in those of other Men, they equally embrace it. The pride that a Man takes in being the Discoverer of truth is, tho' commen[d]able for the fact, a weakness, as it seems ascribing a merit to self, when it is no more than an exertion of the faculties appertaining to Man; You may possibly think, this notion

is a little strained, but after all, Man is a limited Being and the going to the full Length of his Power, is rather a Duty he owes to himself, than a Merit.

I shall now without any further preface, and without any Compliment, acquaint you that I never received a Letter, or even read a book, that markd out, with such perspicuity, and Truth (as your's has done) the true Essence, powers and properties of Matter—I shall briefly observe on them, after acquainting you, that I think it is a kind of presumption in me, almost to write on those thing, having never seen the Out- or inside of an University, never studied Physics or Metaphysics, Rhetoric, or any thing but Truth, which I have endeavord to gain by the Lecture of ancient and modern Books, and my own reflections on them. This may not be the scholastic, or learned way of coming at real truth, for as you very justly observe in your Letter, "school-Learning is calculated to "obscure truth and impose absurditys on the minds of "Men," and Mr Locke further, "that School Learning "often turns Names and words into real Essences, sub-"stances & Beings"; but it is the surest way of arriving at knowledge.

Your Letter, sir, has revivd to my Mind the Objection to one part of the pamphlet, which I took Notice of in my Letter, (I hope not unbecomingly) and which I will take the Liberty to remake, when I come to that part of your present Letter, where the Principle I had then doubts of, is again layd down.

Your Idea of Motion and the means whereby we come at that Idea, are extreamly just, natural, and Strong, but as you very honestly and fairly confess that "it gives no idea of Motion, or of the power of moving, "or how it acts," will you permit me to observe, that your difficulty of coming at the Idea of Motion arises from your tracing it only from that single Circumstance of Change of Place which is limiting the idea of Motion in general to one Single Effect of it. Now in my humble opinion, Motion is imperfectly defined by this, for either there is a power of resistance in matter (which is a prin-

ciple in it) or there is not. If there is, then this power must be stirred by [?]action and cannot be accounted for by any other Cause. If there is not, and the motion is formed by Light or Intelligence directing it, we want nothing but a medium thro' which the one can act upon the other. There must be a *conveying*, in the one and a *receiving* Power, in the other.

Motion has its principle of Moving force within the Moving Body. The enquiry then of this principle or moving force in Body must arise from the known propertys of that Body. The Discovery then what motion is, or the Idea which we have of it, can no otherwise be made, than by investigating the properties of Body, or to speak more explicitly, of Matter. How sir, the difficulty lyes; this Difficulty must be got over, or we shall never acquire a true Idea of Motion, for the infinite Varietys of Motion are but *partial Exhibits* of that Phoenomenon, internally and essentially in Body or Matter.

To go into all the known properties, of Matter would be as needless, as it would be tiresome. Two powers which Sir Isaac Newton, has discovered in each particle of Matter will be sufficient namely Gravity and Attraction for those Powers produce Cohesion which makes what we call Bodys. I call them *two*, tho' in fact Gravitating and Attracting are the same, as to their *Esse*, tho' different in their *modus agendi*

Matter has never yet, in my Opinion been properly defined, for it has always been called passive, or inert, which can never be a true definition of it, if GRAVITATION and ATTRACTION are essential propertys of it.

Sir Isaac Newton I confess, says, "That all things considered, it seems probable, God, in the beginning, formed Matter in solid, massy, hard, impenetrable, Moveable particles, of such sizes, figures and with such other properties, and in such proportion to space, as most conduced to the end for which he formed them; That these particles have not only a VIS INERTIÆ, accompanied with such passive laws of motion, as naturally result from that force, but also that they are

“moved by certain active principles, such as is that of Gravity, and that which causeth fermentation, and the cohesion of bodies. These principles are to be considered not as occult qualities, supposed to result from the specific forms of things, but as general laws of nature, by which the things themselves are formed; their truth appearing to us by phenomena though their causes are not yet discovered. But Sir Isaac does not speak here as a Philosopher, but as One that would keep well with the Clergy and not openly contradict the general Opinion of Mankind in the receivd Notion of an immaterial, INTELLIGENT EXTRA-ACTING POWER. He says in another part of his works that from Motion proceed Generation, Corruption, Augmentation, Diminution, Lation. From these Life—from Life Perception INSTINCT THOUGHT RATIOCINATION and that by gravity and attraction he can solve all the Phenomena of the Universe. I acknowledge him as a Philosopher here.

To know the true Cause of the moving principle which resides within the moving body, we ought first to come to a Certainty with respect to the Eternity, or Creation of Matter, for if Matter is a substance existing from all Eternity and in create, all its properties are so, and among the rest this MOVING PRINCIPLE; That it is Eternal needs no other proof, but its Unanihilability, for what may end, may, nay, must have begun—what cannot end, cou[l]d not begin. I shall not at present go into any other proofs of the Eternity of Matter, having already exhausted the Subject in several Essays, but shall quote the following passage out of a small Essay calld *Anthropogonia*, in which I considerd Time, Eternity and Duration abstractedly as well as relatively, with a View to this Question whether a succession implys a Beginning, and how far it may affect the human species in particular.

“Man is born, Man perishes, Man is renewed. He exists therefore, and is CONTINUED BY SUCCESSION. This is true, if by the Word, MAN, we mean the INDIVIDUAL, but not otherwise.”

“FOR THUS—THE HUMAN SPECIES is born, the human

"Species perishes, the Human Species is renew'd: The
 "human Species therefore exists and is CONTINUED BY
 "SUCCESSION, Now this cannot be granted of the SPECIES,
 "for none of the Terms of the Propositions are true, and
 "the Inference therefore must be false; It will not be
 "allow'd (till it is demonstrated) that the HUMAN
 "SPECIES is born, perishes and is RENEW'D, though the
 "Individual is. DAYLY EXPERIENCE proves the QUESTION
 "OF FACT, as to the Individual, but the other has neither
 "one nor the other for it, and can be assum'd only as a
 "POSSIBLE HYPOTHESIS, and this Hypothesis cannot be
 "admitted as a PRINCIPLE, to be inferr'd from, unless it
 "can be demonstrated, that a discontinuance of the
 "Species is a necessary consequence of a discontinuance
 "of the individual; The contrary to which is evident. It
 "may be granted without prejudice to the Argument, that
 "an instantaneous Ceasing of every individual, would be
 "a Discontinuance of the SPECIES, but as that is not the
 "condition of MANKIND, and a barely possible Supposi-
 "tion, it cannot be inferr'd from, and brought in aid of
 "the Question of Fact.

The Difficulty of conceiving a SUCCESSION without a
 BEGINNING in the question now to be discussed, owing to
 a misapplication of the word SUCCESSION, has given rise
 to the supposition of a BEGINNING in one Sense, as a
 wrong notion of the same Word, when consider'd as rela-
 tive to Time, has, in another. If the Word had never
 been apply'd to the SPECIES, and TIME not have been
 assum'd as Successive, the EXISTENCE and CONTINUA-
 TION of MANKIND might without difficulty have been
 from all Eternity, for the Principles of GENERATION, as
 will be shown presently, cou'd never induce any neces-
 saity of a BEGINNING.

"MAN is continued by Generation, exclusive of all
 "other means—GENERATION implies a previous NON-
 "EXISTENCE in the Individual, that is to be produced
 "MAN therefore cou'd not begin by GENERATION, because
 "the means were wanting—There must have BEEN a

“Creation of MAN by other means,” & this must be proved.

If you agree with what I therein say, that succession does not imply a Beginning of Existence, then Succession twisted by arguments a thousand ways, can never prove a Creation of AGENTS, for the express beginning Continuation and succession of MAN, ANIMALS, fishes Birds or any part of inanimate MATTER, then the Eternity of the Universe or rather the non Creation of it is no absurd notion the other rational and probable Conjecture, till positive proof can be brought to the Contrary.

To Explain this to you I must give you my notion of Time which can only be considered in its relation to BODYS AND MOTIONS, for time in itself is a NON-ENTITY. In its relation to BODYS and MOTIONS it is no more than our Idea of them when we consider them as Existing or moving. To prove TIME to be a NON-ENTITY I shall borrow the following word from Sir Isaac Newton who says: “GOD IS NOT ETERNITY, NOR INFINITY, BUT “ETERNAL & INFINITE. HE IS NOT DURATION, NOR SPACE, “BUT HE ENDURES AND IS PRESENT, HE ENDURES ALWAYS, “AND IS PRESENT EVERYWHERE, AND BY EXISTING ALWAYS “AND EVERY WHERE, CONSTITUTES THE VERY THINGS “DURATION AND SPACE, ETERNITY AND INFINITY; This “if it means any Thing, means, that DURATION, SPACE, “ETERNITY, INFINITY, are only modes under which We conceive of the Existence of God, in all other respects mere NON-ENTITIES. If Time then is a Non-Entity considered abstractedly from Bodys and Motions succession must also, but as Succession is but a part of Time (which Time is nothing Considerd abstracted from Bodys and Motions) then succession cannot imply a beginning of Bodys, since the argument does not reach to the beginning of Matter of Bodys but only to their continuance in Existence. Hence the only probable conjecture is that the Universe is Eternal and that there could be no Creation at all of it.

As to what you say about Light, which you seem to think essentially different from Matter or Body, by its

mutual penetrability of Particle with particle, and to be the Being or Substance to which the power of moving or motion is essential, I have one objection in my mind which seems to me, unanswerable, not to trouble you with too many.

If Light was essentially different from Matter or Body, it could neither be visible nor perceivable by material Organs, If you say the effects may but not the substance I beg leave to say that the effects cou'd not appear without a power of recipience in Body and if that power of recipience is the power of resistance (without which as you justly say, we should have no idea of matter left) then is Taction by the rays of Light on Matter or Body, the mode or manner of Lights causing motion and of our percipience of it: and if according to the essence of Matter RESISTANCE or Sir Isaac's Vis inertia is that, which causes motion Light cannot act upon Matter but by Taction in which case the Tangens and Tactum, must be mutually organized—As yet I cannot bring myself to Conceive that immaterial Substance can act on material body without a Medium: But as you have treated this subject in a new LIGHT, in your present intended Book, I shall wait till I have the pleasure of reading your System. D^r Hill (who notwithstanding many flights, dos not want solidity Genius Parts &c has attempted Something concerning the Essence of fire and carrys his idea a great length for he says (Page 345) he has been charged with setting up fire as God. If you have not the book, and it is to be had with you It is worth your purchasing or borrowing at least to know his Notion of fire and Light.

v. P. 323 &

I shall now without taking up too much of your time, too precious to be thrown away on my imperfect vein of thinking, acquaint You with the Objection I formerly made to one principle layd down in your Pamphlet and continued Still in your present Letter, and both (without as I think proof) HYPOTHETICALLY or POSTULATIVELY.

The Principle layd down in yours, that God is a Being

or Substance of Intelligence—by which I understand a BEING DISTINCT FROM MATTER, for this is not directed by *itself* tho' propertied, in every thing necessary for its operations but by this Being of Intelligence.

INTELLIGENCE in itself is a word or name by which we express our idea of certain effects produced in matter, which we say (and in so saying beg a question) would not be produc'd by matters own powers. This effect which we see strikes with the Idea of contrivance, Structure, proportion, Order, mechanism, Organism, which are not essential (say we) to the powers of Matter per Se, but extra-wrought upon Matter by a Being, or God, of Intelligence. Do you not see, that this Assumption of an intelligent Being acting upon Body in which we see all the phenomena just mention'd, rises from our ignorance of many properties Matter may have, and which our reason has not yet investigated & perhaps never may completely. But suppose for argument sake a person should Attempt to prove Intelligence to be as absolutely a property of Matter, as any sensible property, it has woud you have a worse idea of that material acting Intelligence, than if it was an immaterial One, even capable of demonstration. Is not Intelligence, Intelligence?

It woud be too tedious to enter into this detail at present. I shall in my next Letter send you an extract out of a Piece I have wrote, which proves that the mind of Man acts by material Organs and not by any Power but what it has in it self and that if Light, as you seem to think, is that Being or Substance to which the Power of moving, or motion is essential, the Body moving, still acts by its own Organs tho' moved by Light and that Light could not cause motion without those inherent Principles in body. The same may be said of the Power of an Intelligent Being acting upon Matter, and that in both Cases there must be a conveying and receiving medium of Action. If matter then has in it self the requisites of Motion, what foreign help can it want? If GRAVITY and attraction are powers in matter, cannot they act without being set in motion. But say you if their

motions were not wisely and orderly Directed, They woud move ev'ry way indirectly. Not if they have, as I maintain they have, those Powers in them, Those powers could not err in, their motions. You see wisdom in their motions and call for Light and Intelligence as directors of them. I see Plasticity, as some of the Antients did in Matter, which without any extraordinary Invention of a Creator brought forth every thing by its own powers.

You are not one of those I am persuaded who will say, that if one properly is in one part of Matter that property must necessarily be in all. You will no doubt allow that propertys vary according to Modification you will not say, that the eye must HEAR because hearing is a property inherent in the Ear by its modification and that both are matter. Why then exclude Thought, Mind, Intelligence from being a General property of Matter because it is not in every part of Matter. It is in the Individual calld Man, but it is not in his Thumb-nail. Matter has general properties, and it has propertys, Special, according to its Modification. Human Intelligence, according to common Opinion, and even that of the Great Sir Isaac Newton, differs from divine Intelligence in the mode and manner of it. To Give God that Faculty of Intelligence, that power of knowing which we have in ourselves is with the addition of infinite, as My Lord Bolingbroke says, making God an *Infinite* Man. But not to pursue my own thoughts any further, I shall beg leave to introduce Cicero or his friend Colla, to you who will explain my meaning better.

“How shall we conceive anything of God, when we “cannot possibly attribute any virtue to him? Shall we “say he has prudence? No: for prudence consisting in “making choice between good and evil, what need has “God of such choice, when he is by his own nature in- “capable of any evil? Shall we say he has understanding “and reason? No: for understanding and reason only “serve to discover things unknown to us, by things that “are known; but there can be nothing unknown to God. “Nor can be attrib[ute] Justice to God; that being a

“thing which only relates to human Society: nor temperance; since he has no pleasure to restrain nor courage, in regard he is not susceptible of any pain, labour, or fatigue; nor exposed to any danger. How then can a thing be God, which has neither virtue nor understanding?”

Intelligence being then only an Idea derived from our consideration of some Phenomena in matter, which we think matter could not effect for want of that principle which we see in the structure of that particular part that strikes our Senses, we conclude on an EXTRA AGENT distinct from Matter who without any Medium of CONVEYANCE in it self, or RECIPIENCE in the body acted upon; operates there wonders, by a power which we say is not in Matter, tho we see it in nothing else.

We make him likewise from the same principle, not only the Creator of Matter, but the Giver of those Powers, which we see no where but in Matter, and without any other reason but that we will not allow a Genus of knowledge in Matter, tho' we see a Species in parts. But if it should be proved that matter is from Eternity, it cannot be said ever to have been CREATED,—An Eternal Creation is a Contradiction in terms. If matter had a beginning and God gave it its powers, human reason must of necessity discover it from the nature of the Phenomena; for to assume and give God an action, which he never discovered to the reason of Man, nor expressly revealed in the works, from whence Man deduces it, is a presumption which, I confess, I think too great for Man.

This Sir, not to detain you any longer, is the Objection that I made when I first read your excellent pamphlet; which I still make to your present Letter, and which I have ever made against every Book, that takes a CREATION for granted, without any proof from the Phenomena. If any Person can (and if any, you can) show me my Errors, I will freely acknowledge them; till then I hope I shall not be esteemed an Atheist, if I do not comprehend God, as they do. Give me leave in order to free

my self from that Suspicion, to close this Letter, with my Definition of God and Submit it to your Opinion.

God, whether MATERIAL, or not, is ONE, PERFECT, SUBSTANTIALLY-PRESENT, in EVERY THING and EVERY WHERE; DIRECTIVE active vital,—God is generally evry thing, but not *one* thing; considerd as DIVIDEDLY from the whole. God in two words is *uni-genal* but *imspecial*

I have already made this Letter so long that I am ashamd to add to it. I shall therefore only say I wish I had hands to Copy some pieces I have wrote both in Verse and Prose among the rest a Poem called Oblivion, but it is almost impossible to find hands for that purpose. I send you the Argument by which You will be able to judge of the Nature of the Poem and perhaps from that be more induced to see it

ARGUMENT

INVOCATION—Reign of OBLIVION—Chaos with her—Erebus awakes Chaos—and begets Creation—Description of Creation—OBLIVION in despair brings forth TIME—*Time* banishes oblivion who retires to her old quarters—TIME and ERROR dwell with Mankind—STATE of MAN under their Government—Man dissatisfied—Ignorance, Doubt, Self Sufficiency, Superstition, Zeal, Enthusiasm, Bigottry &c^a climb up to Heaven—Description of each—Oblivion awakes—knows them not—Her Speech to them—their's to Oblivion—a sudden Darkness spread over all—a Voice is heard—WHAT it says—a lucid Substance appears—Description of it—Its Speech—A mirror that reflects strange sights—a second Darkness—Myſtic Characters—What they contain—Short speech of a Reptile to the rest—Who the Reptile seemd—Return of all to Earth—End. I am with great truth & regard,

Sir,

Your most obed^t hble servant

W^m POPPLE

[Indorsed]

POPPL

Observations on Mr COLDENS
Laws of Action in Matter

From Gen. Jeffery Amherst

[1762?]

NEW YORK Tuesday 11 at Night

Dear Sir

Lieutenant Williamos has laid before me this Evening several Papers which I have looked over, and find Monsieur *Rieux* and Monsier *Comte* very deeply concerned in this most destructive trade.

M^r Williamos reports to me that he has examined the several Papers belonging to Monsieur *Marquis* Monsieur *Laügardiere* and Monsieur *Gillet* and nothing appears against those Gentlemen, so that if you think proper they may be released, and their papers which are in the Sheriffs hands returned to them.

I find several Papers that regard the other Provinces, if you approve, I will sort these out, and send them to the several Governours, keeping Copies of the Papers which you may see and reserving such for you as are relative to the People of this Province, or if you chuse to peruse the whole as they are, I will send them directly to you. I am with great truth and Regard

Dear Sir

Your most Obedient Humble Servant

Hon^{ble} Lt Governour COLDEN

JEFF. AMHERST.

From Gen. Jeffery Amherst

[1762?]

Saturday Night

Dear Sir

A Vessel this moment arrived gives me the pleasure of congratulating you on our Success at Martinique, the Proposals for capitulating having been made on 13th Feb^r & the whole Island taken possession of the 16th. I enclose you a Letter that was sent to me, which will probably give you more particulars, am

Sir

Your most Obedient Servant

Honorable Lt Governour Colden.

JEFF. AMHERST

*Extract from the Customs House Books of New York
of Vessells Cleard Between the 10th Nov. 1761
and 13 Feb. 1762*

<i>Vessells Names</i>	<i>Masters Names</i>	<i>Owners Names</i>
Sloop New York Packet	Richard Moon	Robert Campbell, Gerard: Van Solengen
Sloop Hester	Nath ^l Bethell	Tho ^s Moore, Sam ^l Sacket, W ^m Dobbs, Abra: Lott
Sloop Dove	William Carlile	Winter Fargie, Peter R: Livingston Ger ^d G: Beekman
Scooner St Michael	William Moore	John Waddell, Philip Livingston, Ja ^s Jauncey
Brig ^e Friendship	Robert Campbell	Tho ^s Livingston, Gerard ^s V. Solengen, Robt Campbell
Sloop Fair Trader	William Montgomerie	Peter R: Livingston
Sloop Charming Betsey	William Richardson	Jacobus Van Zandt, William Kelly
Sloop Industry	Henry White	John Alsop and James Jauncey
Sloop Antilope	James Wright	David Dickson, Humphrey Jones, Sam. V: Horne
Snow Sally	John Gifford	Lewis Pintard James DePeyster
Brig ^{te} Charming Anne	William Simonton	William Simonton
Charming Sally, Brig ^{te}	James McLaughlin	Geo. Harison, Geor: Folliott, Thom ^s White
Little David Sloop	Thomas Crowell	Gregg & Cuninghame, Walton & Compa. David Johnston
Sloop Jove	John Ball	Daniel Moore & Teleman Cruger
Sloop Sally	John Shoals	Lawrence Kortwright
Sloop York	John Walker	John Milligan Sam. London
Sloop Beaver	Adam Todd	John Milligan
Sloop Fox	John Cotton	Rich ^d and John Alsop
Sloop Industry	Tunis Thew	Thos Lynch, Jacob Townshend, Ab ^r Lott

<i>Contents of the Cargoe</i>	<i>Where Bound</i>	<i>When Cleared</i>
6½ Tons Flour, 12 Tons Iron	New London	Nov ^r 13 th 1761
14 Tons Prov ^s 3 Tons Iron		
14 Cask Apples 32 box ^s Candles	North Carolina	Nov ^r 16 th 1761
4 M hoops 10 Cask Prize Claret		
2 Tons Prov. 1M. ropes Onions		
3 M. hoops 20 hd ^s Coals	New London	Nov ^r 25. 1761
23½ Tons Prov ^s 234. bars Iron		
16 M bricks 16½ M hoops	Black River in	Nov ^r 25. 1761
and Uropean Goods on Cocket	Pennsylvania	
10 tons Flour ½ M. boards		
12 Tons Iron	New London	Nov ^r 26. 1761
12½ Tons Flour 35 Cask Onions		
7 M Staves 6 Desks 5 hd ^s Claret	New London	Nov ^r 26. 1761
10¾ Tons Prov ^s 28 M. Staves	Jamaica	Decem ^r 8 th 1761
20 tons Prov ^s 50 boxes Candles		
European Goods on Cocket 1 M		
feet boards 4 M hoops	Jamaica	Decem ^r 10. 1761
20 tons Prov ^s European Goods on		
Cocket 91 Kegs lard 31 boxes		
Candles 19 Casks Apples 10 M ft		
boards 10 M hoops	Jamaica	Decem ^r 10. 1761
20 Tons Prov ^s 37 Casks Oyl, 12		
boxes sope, 107. firkins lard, 49		
boxes Candles, 1340 boards, 4825 hoops		
& staves, European goods on Cocket	Jamaica	Janu ^{ry} 8 th 1762
24 barrels Tar, 31½ tons Prov ^s		
Uropean Goods 20 boxes Candles		
60 bags lard, 600 bords 20 M hoops	North Carolina	Janu ^{ry} 18. 1762
24½ tons Prov ^s European		
Goods 600 Deal boards	Jamaica	Janu ^{ry} 20. 1762
24 tons Prov ^s 52 box ^s Candles,		
6200 Hoops European Goods	Jamaica	Jan ^{ry} 23. 1762
40½ Tons Provisions	North Carolina	Jan ^{ry} 26. 1762
19½ Tons Prov ^s 9 box ^s Chandles		
600 Deal boards 4M Hoops 9 Casks		
Apples	Jamaica	Jan ^{ry} 26. 1762
9½ Tons Prov ^s 30 bar ^s Oyl 7		
firks. lard, 93 boxes Candles 1 hd ^s		
fish, European Goods, 10 M feet		
boards	New London	Febr ^y 3 ^d 1762
1 M feet boards 20 Cask Apples		
European Goods on Cocket	Jamaica	Febr ^y 5. 1762
20½ tons Prov ^s 3 tons Iron		
12 Casks Oyl, 2 M boards	New London	Febr ^y 12. 1762
316 Casks Flour, 74 Casks Beef,		
70 Firkins butter 22 hd ^s Fish, &		
2 Casks Cheese	North Carolina	Nov ^r 10 th 1761

[Indorsed]

Extracts from the Custom House Books of New York of
Vessels cleared between 10th Nov^r 1761 and 13 Febr^y: 1762

From Gen. Jeffery Amherst

[1762?]

NEW YORK Sunday Morn

Dear Sir

I received, late last night, a Letter from General Monckton of 2^d Aprill, who acquaints me, that in consequence of the orders he had received from England, he purposed to return to this Place, when Lord Albemarle set out from Martinique.

By later intelligence I find the Troops under the command of the Earl of Albemarle sailed from Barbadoes for Martinique on 18th Aprill, so that we may expect, every fair wind, General Monckton's arrival here. I am with great truth and Esteem

Dear Sir

Your most obedient Humble Servant

JEFF. AMHERST.

*List of Vessels at Cape Francois from the
English Colonies*

[1762?]

Brigg Sally of New York	Mc Cloughlen Master	} at Cape Francois
Snow—	of New York, Williams Master	
Sloop—	of the East end of Long Island, Hicks master	
Sloop—	of Philadelphia Miller Master	
Sloop—	of New York, Tue Master	
Snow—	of New York, Miller Master	
Brigg—	of Rhode Island Hopkins Master at Port a Pee	

[Indorsed]

List of Vessels at Cape Francois from the English Colonies
from G^l Amherst

From Benjamin Franklin

Perth Amboy Feb. 26 1763

Dear Sir,

Your Favour of the 14th Instant, I met on the Road in my Journey to this Place with my Son, who joins with me in Thanks for your good Wishes relating to his Administration here. I thank you also for your kind Endeavours in obtaining the Discharge of William Forrester, who is accordingly discharged.

I condole with you most sincerely on the repeated grievous breaches that have been made in your Family. Loss of Friends & near and dear Relations, is one of the Taxes we pay for the Advantage of long Life, and a heavy Tax indeed it is.

The most remarkable Discovery that has been made within these three Years, is, that Quicksilver is in reality a melted Metal; with this new Character only, that of all others it requires the least Heat to melt it. The Academy of Sciences at Petersburg have found, that by dipping a mercurial Thermometer into repeated cooling Mixtures, and so taking from the Mercury the Heat that was in it, they have brought it down some hundred Degrees (the exact Number I cannot remember) below the Freezing Point, when the Mercury became solid, and would sink no lower; and then the Glass being broke, it came out in the Form of a silver Bullet, adhering to a Wire which was the slender part that had been in the Tube. Upon Tryal it was found malleable, and was hammer'd out to the Bigness of a Half Crown; but soon after, on receiving a small Degree of Warmth it return'd gradually to its fluid State again. This Experiment was repeated by several Members of that Academy two Winters successively, and an authentic Account of it transmitted to our Royal Society.

I suppose you have seen, in the 2^d Vol. of the new Philosophical Essays of the Edinburgh Society, an Account of some Experiments to produce Cold by Evapora-

tion, made by Dr Cullen, who mentions the like having been before made at Petersburg. I think it is but lately that our European Philosophers have known or acknowledged anything of such a Power in Nature. But I find it has been long known in the East. Bernier, in the Account of his Travels into India, wrote above 100 Years since, mentions the Custom of Travellers carrying their Water in Flasks covered with wet woollen Cloth, and hung to the Pomells of their Saddles, so as that the Wind might act upon them in order to cool the Water. I have also seen a kind of Jar for cooling Water, made of Potter's Earth, but unglaz'd, and so porous that the Water gradually ouzed through, to the Surface, supplying Water just sufficient for a constant Evaporation. I try'd it, and found the Water within much cool'd in a few Hours. This Jar was brought from Egypt. Mentioning this Matter to Dr Hadley, then Professor of Chemistry at Cambridge, he immediately made the following Experiment at which I was present. He dipt the Thermometer into a Quantity of the highly rectified Spirit that goes by the Name of Ether, famous for its quick Evaporation. The Ether having stood in the same Room with the Thermometer, was therefore of the same degree of Warmth, and of course there was no Alteration of Height in the Mercury while it remain'd in the Ether. But as soon as the Thermometer was taken out, and the Ether with which it was wet began to evaporate from its Surface, the Mercury fell several Degrees. The Doctor repeated the Wetting with a Feather, and I quicken'd the Evaporation by a Bellows, that the Repetitions of Wetting might succeed quicker; and the Event was, that the Mercury sunk from 65, the Temperament of the Air on that Day, down to 7, which was 25 Degrees below the Freezing Point; so that the Moisture of the Air and Breath of the Bystanders, collecting round the cold Ball of the Thermometer, froze there, and form'd a rough Ice all round, & near $\frac{1}{4}$ of an Inch thick. It seems by this, that a Man naked, and standing in the Wind, and repeatedly wet with Spirits might be frozen to

death in a Summer's Day. I think none of our common Philosophical Principles will serve us in accounting for this. Perhaps yours may do it.

Professor Æpinus of Petersburg, has publish'd a Work on Magnetism and Electricity, in which he endeavours to apply my Theory of the latter to the Explanation of certain Phenomena in the former. He supposes Magnetism to be a particular Fluid equally diffus'd in all Iron, easily flowing and easily movng in soft Iron, so as to maintain or recover an Equilibrium. But in hard Iron, i. e. Steel, moving with more Difficulty. And that in making an Artificial Magnet of Steel, nothing is added, the Magnetism is only moved from one End towards the other and not easily returning remains there, so that one end of it has more of it than its natural Quantity, the other less; or in other Words, one End has positive Magnetism the other negative. I have while in England made many Experiments wth Magnets, and own myself inclined to Æpinus's Opinion, tho' there are some Difficulties in his Doctrine that as yet I do not see how to solve. Shall I venture to mention moreover, a Suspicion I have, to wit, that Magnetism fills all Space, and that its general Direction is what we call North and South, except only where it is made to deviate by Nearness to particular Magnets, as this Globe of Earth, a Stone, or Steel Bar; and that a Being capable of Passng from one Heavenly Body to another, might be directed in his Course by a Compass, as well as a Mariner on our Ocean. I suspect too, that one Use of this Universal Magnetism may be, to keep the Axes of the Planets and other heavenly Bodies nearly in their respective Directions; tho' I at the same time see Difficulties in and Objections to this Opinion that are yet too hard for me.

While in England, after my chief Business was over, I amus'd myself with contriving and bringing to a considerable Degree of Perfection, a new musical Instrument, which has afforded me and my Friends a great deal of Pleasure; but the Description of it would make this Let-

ter, already too long, much longer. I am, with great
 Regard & Sincerity, Dear Sir,

Your most obedient & most humble Servant

My Compliments to your very
 ingenious Son, Mr David Colden.
 I suppose he has seen Nollet's
 Letter in answer to a Piece of his
 publish'd with mine on Electricity.

B. FRANKLIN

Hon^{ble} CADR COLDEN Esq^r

Board of Trade to Gov. Robert Monckton

Whitehall March 9th 1763

Sir,

His Majesty having appointed Us His Commissioners,
 for promoting the Trade of this Kingdom and for in-
 specting and improving His Majesty's foreign Colonies &
 Plantations, We take this the earliest Opportunity of
 acquainting you therewith, and transmitting to you the
 inclosed Copy of the Order of His late Majesty in Council
 by which the Correspondence between this Board and the
 Governors of His Majestys Colonies is regulated and as-
 certained, together with Copies of the Letters from the
 Secretary of State to this Board, and to the Said Gov-
 ernors, explaining this Order and of the additional In-
 struction given to the Governors in consequence thereof.

This Order and explanatory Letters will mark out to
 you the manner, in which you are to carry on your Cor-
 respondence with this Board and you will govern your-
 self accordingly. We are

Sir

Your most Obedient humble Servants

EDMOND THOMAS

GEO. RICE

ORWELL

C. TOWNSHEND

SOAME JENYNS

E^d BACON

JOHN YORKE

Hon^{ble} ROBT MONCKTON }
 Gov^r of New York }

Board of Trade to Gov. Robert Monckton

Sir, WHITEHALL April 29th 1763

His Majesty having appointed us His Commissioners for promoting the Trade of this Kingdom, and for inspecting and improving His Majesty's foreign Colonies & Plantations; We take this the earliest Opportunity of acquainting you therewith, and transmitting to you the inclosed Copy of the Order of His Late Majesty in Council, by which the Correspondence between this Board and the Governors of His Majesty's Colonies is regulated and ascertained, together with Copies of the Letter from the Secretary of State to this Board and to the said Governors explaining this Order and the additional Instruction given to the Governors in consequence thereof.

This Order & explanatory Letter will mark out to you the manner in which you are to carry on your Correspondence with this Board, and you will govern yourself accordingly.

We are

Sir,

Your most obedient humble Servants

SHELBURNE

SOAME JENYNS

E^d BACON

JOHN YORKE

GEO: RICE

ORWELL

BAMBER GASCOYNE

ROBT MONCKTON Esq^r }
Gov^r of New York }

From Robert Whytt

Dear Sir EDINBURGH May 16th 1763

I was favoured Sometime ago with yours of the 11th of Nov^r and last post I received your letter of March 7th

Your Papers Came Safe to my hand about two months Since; and as I am by no means qualified to form a Judgment of either the principles or application of them, contained in these writings, I have Spoke to M^r Adam Ferguson our Professor of Natural Philosophy who has undertaken to peruse them; and as his Course of Lectures will end in a few days, I shall take care from time to time to put him in mind of his Promise. If M^r Ferguson should be for Publishing your papers, I shall write you so much, that you may give directions what printer or Book seller to Employ; for no person in our narrow country will undertake to run the risque of Printing a book of mathematical & metaphysical learning on his own Charge. If M^r Ferguson should not be clear as to the publication I suppose you would Incline that the Manuscript should be given into the Library of the University as a present from you, and that on the cover, mention should be made of these papers having been wrote by you, & made a present of, to y^e University of Edin^r where you had your first Education; as you imagine that they contain the true principles of Physics and may one day become usefull.

If the publication shall be determined on, your orders about Correcting any obscure passages shall be observed.

I agree with you that the English affect too much to despise all Theory; altho one ought not wantonly to Indulge his fancy in framing *Hypotheses*, & far less in publishing them, unless they seem to explain the *Phenomena* & are therefore at least probable; yet to run down all Theory, or Hypothetical Reasoning, is certainly a great error; and as it proceeds either from vanity or ignorance, so it will sooner or later Introduce the latter.

Many of the English Physicians run down all Theory in Physic so much, that either they, or the Successors if they tread their steps, will soon become mere Empiricks.

As I am Just going to begin to reprint my Essay on the vital motions, I should be much obliged to you, for transmitting me your Queries, which you say you have drawn up on that Subject.

Doctor Porterfield wrote you a long letter in answer

to yours, at the time I wrote of it, i.e. about 2 years & a half ago. I will try to get him to send you another Copy of it. He has no thoughts of publishing any thing practical on the eye: He has nothing of that kind prepared at present, and as he is at least 68 years of age he will not probably engage in any great work. Dr Porterfield's letter to you was Sent by a Glasgow ship, and has been miscarried, I presume, by the ship having gone to some other place than New York.

I have Seen Mr Bard only once, but shall not fail to take particular notice of him, as he is recommended by you. I suppose he attended last winter only the anatomy & perhaps chemistry and that he may be one of my pupils next winter.

I congratulate you on the restoration of peace, which was so necessary to Great Brittain, and will be so advantageous to our Colonies in *N. America*. The discontent & faction which have been fomented on this occasion in England, are truely shamefull. I am with particular regard and Esteem

Dear Sir

Your most humble & obed^t Servant

ROBERT WHYTT.

Bill

[Torn]

[June, 1763?]

	£	Sh	d
To supp[er] & Breakfast	0	3	0
To Bowl of Toddy	0	1	6
To half pint of W. India	0	1	0
To one Gill of rum	0	0	6
2 ^d To supper & Breakfast	0	3	0
To half pint of W. India	0	1	0
3 ^d To supper & Breakfast	0	3	0
To Dinner	0	1	6
To 1 Gill of W. India	0	0	6
4 th To supper & Breakfast	0	3	0
To Dinner	0	1	6

	£	Sh	d
To 1 Gill of W. India	0	0	6
5 th To supper & Breakfast	0	3	0
To Dinner	0	1	6
To half pint W. India	0	1	0
6 th To supper & Breakfast	0	3	0
To Dinner	0	1	6
To 4 Gills of W. India	0	2	0
7 th To supper & Breakfast	0	3	0
To 1 Gill of W. India	0	0	6
To 6 mens supper	0	6	0
9 th To Dinner & Supper	0	3	0
To 1 Bowl of Toddy	0	1	6
To half pint rum	0	1	0
10 th To Breakfast	0	1	6
To dinner & supper	0	3	0
To a Bowl Toddy	0	1	6
To a Gill of Rum	0	0	6
11 th To Breakfast	0	1	6
To Dinner & supper	0	3	0
To a Gill of Rum	0	0	6
<hr/>			
12 th To Breakfast	0	1	6
To half pint of Rum	0	1	0
To washing	0	1	0
<hr/>			
[Indorsed]	3	2	0
Prices 1763			
July y ^e 1 st 1763			
To 2 Bowls of shrub punch	0	4	0
To 1 Bottle of shrub	0	4	0
To Breakfast	0	1	6
To Lodging	0	1	0
2 ^d To 1 Bowl of shrub punch	0	2	0
To supper	0	1	6
To Lodging	0	1	0
To 1 Bottle of shrub	0	4	0
3 ^d To Breakfast	0	1	6
To Dinner	0	2	0

	July	£	Sh	d
	To 2 Bowls of shrub punch	0	4	0
	To Lodging	0	1	0
4 th	To Breakfast	0	1	6
	To Dinner	0	2	0
	To 1 Bowl of shrub punch	0	2	0
	To Lodging	0	1	0
5 th	To supper & Breakfast	0	3	0
	To Dinner	0	2	0
	To 1 Bowl of shrub punch	0	2	0
	To Lodging	0	1	0
6 th	To 4 Gentlemens supper	0	6	0
	To 4 D ^o Breakfast	0	6	0
	To 4 D ^o Dinner	0	8	0
	To 5 Bowls of shrub punch	0	10	0
	To 1 Bowl of sangaree	0	2	0
	To 4 Gentlemen's Lodging	0	4	0
7 th	To 4 D ^o supper	0	6	0
	To 4 D ^o Lodging	0	4	0
	To 4 D ^o Breakfast	0	6	0
	To 2 Gallons of Rum	0	12	0
	To 6 pounds of Cheese	0	9	0
	To 2 pounds of sugar	0	3	0
9 th	To 6 Gentlemens Dinner	0	9	0
	To 3 Bowls Shrub punch	0	6	0
	To 1 Bowl of punch for the Carpenters	0	2	0
	To 3 Gentlemens supper	0	4	6
	To Lodging	0	3	0
	paid for washing	0	4	0
		<hr/>		
	July	£ 7	6	6
10 th	To 4 Gentlemens [brea]kfast	0	6	0
	To 4 D ^o Dinner	0	8	0
	To 2 Bowls shrub punch	0	4	0
	To 2 Gentlemens supper	0	3	0
	To 4 D ^o Lodging	0	4	0
11 th	To 4 Gentlemens Breakfast	0	6	0
	To 2 D ^o Dinner	0	4	0

July	£	Sh	d
To 2 Bowls shrub punch	0	4	0
To 2 Gentlemens supper	0	3	0
To 2 D ^o Lodging	0	2	0
To one sheep	0	16	0
To 1 Bowl of shrub punch	0	2	0
12 th To 2 Gentlemens Breakfast	0	3	0
To 10 Quarts of Oats	0	5	0
	<hr/>		
	10	16	6
To y ^e Serv ^{ts} Expences	3	2	0
	<hr/>		
	13	18	6
	2	15	0
	<hr/>		
Total	11	3	6
Oats		5	
	<hr/>		
	11	8	6
	1	1	6
	<hr/>		
	10	7	0
	8	5	
	<hr/>		
	2	12	

[Indorsed]
Bill in NY 1763

From Earl of Egremont

WHITEHALL [London, Eng.] July 9th 1763

Sir,

It having appeared, that the Publick Revenue has been greatly diminished, and the Fair Trader much prejudiced, by the fraudulent Methods used to introduce into His Majesty's Dominions, (contrary to the Act of 12th: Charles 2^d, for encouraging and increasing Shipping & Navigation; and that of 15th: Charles 2^d, for the encouragement of Trade; and the Act of 7th & 8th of William 3^d,

for preventing Frauds, & regulating Abuses in the Plantation Trade;) Commodities of Foreign Growth, in National, as well as Foreign, Bottoms, by Means of small Vessels hovering on the Coasts; and that this iniquitous Practice has been carried to a great Height in America, an Act was passed the last Session of Parliament, intituled, *An Act for the further Improvement of His Majesty's Revenue of Customs; And for the Encouragement of Officers making Seizures; and for the Prevention of the Clandestine Running of Goods into any Part of His Majesty's Dominions*; by which the former Laws, relative to this Matter, are enforced, & extended to the British Dominions in all Parts of the World; and The King having it extremely at Heart to put an End to all iniquitous Practices of this Nature, by a due, punctual, & vigorous, Exertion of the Laws made for this salutary Purpose; and His Majesty having been pleased to order, that the most effectual Steps should be taken for obtaining that End; The Commanders of His Majesty's Ships, stationed in America, will in Consequence thereof, be vested for the future, with the necessary & legal Powers from the Commissioners of the Customs, for carrying into Execution the several Acts of Parliament relative to the seizing & condemning any Ships that shall be found transgressing against the said Acts; I am to signify to you the King's express Pleasure, that you do, as far as shall depend upon you, not only cooperate with, & assist, the said Commanders in the due & legal Execution of the Powers & Instructions given them by the Commissioners of the Customs, but that you do also use your utmost Endeavours, by the most assiduous & impartial Exertion of the Laws enacted for this Purpose, to put an effectual Stop to the Clandestine Running of Goods into any Place within your Jurisdiction:—and that you may be fully informed of every Particular, in an Affair of this Importance you will find inclosed herewith a Copy of the Act passed last Session of Parliament, referred to above; together with His Majesty's Order in Council made agreeable thereto, for the Division of the Seizures; to which I

add a List of the ships stationed in America, distinguishing such as have the Custom House Commissions, from the few which sailed before the Resolution on that Head was taken; And also a Copy of the Instructions given by the Lords of the Admiralty to the several Commanders of these Ships.

The Precautions, which, upon perusing the Two last mentioned Papers, you will observe to have been taken here, & the strict Orders given on this Occasion to the Commanders of all the Ships of War in America, will sufficiently point out to you, how earnestly The King wishes that all possible Means should be used to root out so iniquitous a Practice; A Practice carried on in Contravention of many express & repeated Laws, tending not only to the Diminution and Impoverishment of the Publick Revenue, at a Time when this Nation is labouring under a heavy Debt, incurred by the last War for the Protection of America; but also to expose every fair Trader to certain Detriment, and even Danger of Ruin, by His not being able to carry his Commodities to Market, on an equal Footing with those, who fraudulently evade the Payment of the just Dues & Customs for the same.

It is the King's Pleasure, that you do, by the first Opportunity, acknowledge the Receipt of this Letter, and that you do, from Time to Time transmit to me, for His Majesty's Information, exact Accounts of whatever shall happen within your Government, in an Affair which The King considers to be of the highest Importance to the Commercial Interest of His Subjects, & the Improvement of the Publick Revenue. You will likewise impart to me, for the King's Approbation such further Hints as may occur to you, as proper for the Subject.

I must also inform you, that His Majesty's Resolution to have the most implicit Obedience paid to these his Commands, is so fixed, that as, on the one Hand, your particular Diligence, & Attention in the Performance of your Duty herein, will not fail to recommend you to His Majesty's Royal Favour; so, on the other it is incumbent on me to acquaint you, that The King will

not pass over unnoticed any Negligence or Relaxation, on the Part of any Persons employed in His Service, in a Matter, on which His Majesty lays so much Stress, and in which the fair Trade of all His Faithful Subjects is so essentially interested.

I am, with great Truth and Regard,

Sir,

Your most obedient humble Servant

EGREMONT

Gov^r of New York

[Indorsed]

Earl of Egremont

From Sir William Johnson

JOHNSON HALL July 13th 1763

Dear Sir

It gave me great satisfaction to hear of your entering again upon the Administration with which I was only acquainted the day before the receipt of your kind favour of y^e 2^d.

The present unhappy troubles in which y^e Western Ind^s &ca have involved Us, have been some time a brewing, and have been greatly occasioned by their meeting with much neglect & receiving few or no favours from Us, for permitting us to Occupy the Several Out Posts in their Country, for which toleration, as well as on other Acc^{ts} they were always well treated and largely rewarded by the French, the Indians were likewise not a little Jealous at our keeping up & erecting several places for which they apprehended we had no occasion, unless to forward some designs against themselves, and as they are naturally of a disposition w^h renders them verry suspicious, as well as spurred by the French, Several of whom have lately been sent among them from the Gov^r of New Orleans, they were readily induced to commence Hostilities.

On receipt of the first Intelligence of their cutting of our People & some out Posts, I sent several Messages to

the Six Nations which have been of y^e greatest Service, & lately I Judged it necessary to call them to a Meeting at y^e German Flatts, that I might settle y^e minds of the Wavering, & secure them to our Interest at least so far as to keep them Neuter, to which meeting they are now on their way, and I purpose setting out for y^e place appointed tomorrow Morning. On the first Alarm I Issued the necessary Orders to the Militia, w^h were to provide themselves with Sufficient Ammunition & Arms, so as to be in readiness when called upon, I am sorry to say they are but verry Ill provided particularly with Ammunition, it being a verry dear & Scarce Article here and many so poor they are not able to purchase it which I think ought to be considered by the Government

I have also had the Militia in Arms, and got about 50 Volunteers to go up to the Posts, but several of them I understand have deserted, on hearing they were to be sent to Detroit &ca. Be assured Sir I shall on every occasion continue to Issue such farther Orders as may appear necessary, and take every other Step in my power w^h can possibly appear requisite for y^e good of the Service, and the protection of the Country, the Inhabitants of which are in a great panick & only induced to stay by my encouragement & Example.

The Senecas (Who have long been much under the French direction, from their vicinity to Niagra &c) and of whose attachment to us I long doubted, have at length declared themselves against us, as I lately heard, and have taken *Venango Fort*, but the rest have refused their Sollicitations, & them of the Western Indians. As soon as I return from the conference, w^h I expect will be within a Week, I shall do myself the pleasure of acquainting you with the result thereof. I am verry heartily glad you enjoy your Health, and most cordially wish you a long continuance of the same as also of the administration being with much sincerity & respect

Dear Sir

Your most obedient Humble Servant

W^m. JOHNSON

The Hon^{ble} Lieut Gov^r COLDEN

From Gen. Jeffery Amherst

NEW YORK 19th July 1763

Sir,

Colonel Bradstreet, the Dep: Q^rmaster General at Albany, having some time since, Represented to me that the Corporation of the City of Albany, had, in a Riotous manner, pulled down the Fences which had been Erected to Secure the Provision Storehouses belonging to the King, near that Town Alledging that the Ground on which the said Storehouses Stand, belong to the Corporation; I Acquainted the Colonel by Letter, that as I would willingly Avoid Disputes, provided the King's Service could be Carried on without, I Expected the Mayor would put an Effectual Stop to Everything that Appeared like an Opposition, or Obstruction to the Service; and that as the Fences were absolutely Necessary for the Preservation of the Storehouses, I must Insist on their remaining so long as His Majesty's Service Required their Use.

I Had Flattered Myself that this Letter would have had the Desired Effect; But contrary to my Expectations, I Learnt from Colonel Bradstreet, that the Mayor did not pay the Regard to it that I was in hopes he would have Done; and on the 9th Instant, I Received a Letter from Colonel Bradstreet, Acquainting me that he had been Served with a *Writ*, on a Claim Grounded by the Elders & Deacons of the Dutch Church at Albany, for the Use of the Ground, on which *Fort Orange* & its out Works stood, and for Building two Sheds thereon to Build Boats in, & to Secure His Majesty's Provisions; Likewise for the Pasture Joyning the Same, & Extending to the Ferry House.

I Have Endeavored to Compromise this Affair Likewise, as I am much Averse to Law Suits; But the Prosecutors being Determined to Carry it on, I must Request You will be pleased to Direct the Attorney General to Defend the Suit, on Behalf of the Crown, as well as to Prosecute the Corporation of Albany for Cutting down

His Majesty's Fence, there being great Reason to think, as I have been told, that the Lands in Question are really the property of the Crown, the Charter by which the Corporation, Elders, and Deacons, &ca hold the said Lands, being Doubtfull.

I am, with great Regard,

Sir,

Your most Obedient Humble Servant

JEFF. AMHERST.

The Honorable }
L^t Governor COLDEN }

From Sir William Johnson

JOHNSON HALL July 25th 1763

Dear Sir

Since my last of the 13th instant I have had a Meeting with the Chiefs &c to the amount of 340 of all the Nations (Except the Senecas) at the German flats, from whence I returned on the 23^d

The Congress lasted some days, but my present hurry accompanied with many alarms will not permit my giving a recital of the proceedings, I must therefore only observe in General, that the Indians of the five Nations who attended the Conference Expressed their resolutions in the warmest terms for continuing peaceable and well disposed towards us. Imputed the behaviour of the Western Indians, partly to belts, and speeches left amongst them by the French to instigate them to defend their liberties, and partly to our cool Treatment and the many posts we occupied thro' out their Country. They then assured me of their intentions to bring the Senecas to reason, or otherwise to Quarrell with them, and after saying much on the article of Trade and the number of our posts concluded with representing that the *Senecas* held one end of the chain of Friendship and the *Mohocks* the other, That one end was already gone & that the other must follow unless the English did the *Mohocks* justice concerning their lands, but particularly the disputed tract

at *Conajoharee*, which they insisted on having restored to the Indians.

My Speech to them was pretty full, and my answer on the subject of the Lands, was, that I should again lay the matter before those in power who I doubted not would take some measures for satisfying them

You have certainly heard that nothing was done in the late Trial at Common law, A patent being in that Court a Sufficient title however fraudulently obtained. This has enraged the Ind^{ns}. to the greatest degree and by the insinuation of Klock (who had acted with such artifice that he was not convicted of making them drunk) they are now divided into parties. Several of them would not attend the Conference, & their whole time is spent in quarrelling to the prejudice of his Majestys service at this Juncture, & the great Terror and risque of all the White Inhabitants in any wise concerned

Instead of a Stop being put thereto it seems to encrease, by the notorious falsehoods, with which he sets them by the Ears, and in order to maintain his party, they are eternally drunk at his House, of which I was a Witness having lodged a few nights ago at his Brother's House within 100 yards of his where by their Singing dancing & other noise I was disturbed during the whole night, in this State all the Neighbours say they have been ever since the Tryal.

Notwithstanding there are more notorious villainies laid to him than can well be conceived, and notwithstanding the iniquity of the whole affair, I plainly perceive that at Common law where they stick to Letter, and Word, the Ind^s may Expect little redress. I must therefore take other imediate measures till I hear from England, in order to punish the Author of all this disturbance. I should therefore be glad you could point out somewhat effectual to that purpose, but if nothing can be done in the civil way, the Safety of his Majestys Subjects, and the great consequence which the unanimity of the Mohocks must be of at this Juncture, requires his Coming under the

cognizance of the Military as an Enemy and disturber of his Majestys Service

I have already sent out two parties of Indians on service, and hope shortly to be able to procure more, provided the Indians meet with Justice, and good Treatment

Yesterday I received an Express with Intelligence that the Enemy Indians were on their way to cut off the Mohock River, on which I ordered up the Militia in these parts and, very early this Morning a Second Express arrived with news that they were near that place, I have thereupon ordered up part of the first Battⁿ to Schenectady for the defence of the River Settlements in the absence of those gone to the frontiers

As I had but just recovered from a dangerous fit of illness when I went to the Congress, and am at present very unwell & eternally plagued with Ind^{ns}. from all Quarters, I am as yet unable to set out for the flats in person, but I shall do so at any rate, as soon as I possibly can, if it appears necessary. I cannot but think that the Case of the Militia on this frontier is peculiarly hard, they being necessitated to leave their harvest, and go on every alarming intelligence to the distant settlements, and as these alarms are often repeated before the blow is Struck, the time of which can never be certainly known, their Marches must of necessity become more frequent, and render it worthy your attention and that of the Legislature to consider their Expence and losses on these occasions, and make them an allowance for the same which will encourage them to a good performance of their duty on a Frontier the Safety of which is of so much consequence and advantage to the rest of the Province

I must farther observe that the Albany Troop of Horse being very distant is never up in any Sufficient time. I am therefore of opinion a Troop to be formed out of the 2^d Battⁿ. at and near Schenectady might be of some Service, as would also the forming two Companies of *Grenadiers*, one for each Battallion, to be composed rather of the best men than the tallest and to consist of such persons as might be depended upon, be-

yond the Generality of the people whose hearts are always at home.

I think some such might be procured, and might do good Service. If you approve therefore of my proposal, I shall take the liberty of recommending to you such persons as I know to be most fitting to command them. Neither can I conclude without observing that an Adjutant would be on many accounts, a very usefull person for the Regiment

On these several heads I must request the favour of your Answer as soon as convenient, and I beg you will believe, me to be with the utmost Sincerity,

Dear Sir,

Your most obedient & verry Humble Servant

W^m. JOHNSON

P.S.

I must repeat my former representation of the poverty, of many of the Inhabit^s & their incapacity to procure either Arms or Ammunition. The latter is scarcely to be had at any price

The Honble Lieut. Gov^r COLDEN

Sir William Johnson's Orders to Lieut-Col. Van der Heyden

[Copy by H. V. Schaack]

On receiving several Expresses with Intilligence that the Enemy Indians to a large Number are on their Way to the German Flatts on which account I have sent up all the Companys on the Mohawk River to the support of that settlement & the Frontiers, you are therefore hereby order'd to march with 5 of the most compleat Companies in and about the City of Albany immediately to Schenactady for the support & defence of that part of the Country and the Mohawk River, as occasion may require ordering the five Companys to be replaced by five others from the lower or more distant part of Country,

and after your arrival at Schenactady you are there to waite such further orders as you may receive from me for the good of the service and protection of the Country.

Given under my hand at Johnson

Hall, July 25, 1763. 7 in the Morning

To Leiut. Colo: VAN
DER HEYDEN commanding
the first Batt. of the
Militia for the County
of Albany

I just now obtained a sight of S^r W^m Johnsons orders which I have only time to Copy for you. Be kind enough to communicate this to my friend D^r Barr

I am

D^r Sir

Y^{rs} for ever

H V SCHAACK

Tuesday Morning
3 o Cock

[Indorsed]

Copy of S^r WILLIAM JOHNSONS
orders to the Militia

From Sir William Johnson

Dear Sir

JOHNSON HALL August 10th 1763

I have had the favour of your letter of y^e 28th Ult^o., and am glad to find you concurr with what I laid before You.

No doubt the attention of y^e Ministry hath been Sufficiently taken up for sometime, but the Neglect towards y^e Indians is of a long standing, and as I cannot but attribute the present Hostilities in a great measure thereto, I am hopefull such measures will for the future be taken, as may secure the fidelity of all the Friendly Nations. The Step you propose in the Conajoharey affair of a prosecution from his Majesty is what I have been thinking of, but the distance & time w^h must elapse before the receipt of an Answer, renders it extremely necessary, that any attempts to dispossess the Indians should be put a stop to, until his Majestys pleasure be known therein, without which precaution, the Divisions between

the Whites and Indians, as well as amongst the latter will encrease, not only to the great hazard of the Inhabitants, but to the prejudice of his Majestys Service at this Juncture.

With regard to the Militia Act of 1755, w^h I should be glad to know if still subsisting, there are severall Matters thereby enacted which from the levelling Sentiments of the People & the equality in point of condition between officers & Men are never put in full force altho highly necessary and as the Militia of this County are from their Numbers of great consequence, & from their scituation must be always on a much more regulated establishment than that of the Countys below them, I think it would be highly expedient to have several additions made to the Act, and amongst others, that by reason of the time which will be lost, & the many difficulties w^h will arise at a Court Martial, consisting of such Persons as are generally in Commission, especially till Articles of War are established, Persons takeing revenge for anything done by their officer, or affronting him in discharge of his Duty, should be liable to a severe fine. Field officers & capt^{ns} £100, Subalterns £50, Non commissioned officers & Privates £25 to be levied by Warrant from the Co^{ll} or commanding officer of y^e Regim^t this, and this only will induce the officers to discharge their Dutys, as at present they are deterred therefrom, by reason of y^e great equality amongst them, and the dread of being insulted. Also that y^e Fines on the Co^{ll} for neglecting to fine as in the Act mentioned, as well as on the Capt^s be augmented, £5 being too trifling a Sum in my opinion for such neglect, and by a due observance of the sevr^l Fines they may be made to serve verry good purposes, such as Supplying the poor with Arms & Amunition, and several other Uses, the Fines generally falling on Persons easy in their Circumstances and also that the Co^{ll} or officer Commanding the Regiment shall as occasion may require be enabled & impowered to order such Scouts as he may Judge necessary for the safety of the Frontiers, and the procureing Intelligence.

For the more expeditions compleating the 2 Companys of Grenadiers, and a Troop of Horse, I should be glad the Commissions were transmitted Blank, in which case, busy as I am, I shall make a Tour to Albany, consult the Feild Officers, & make the strictest Enquiry possible into the Characters of Persons there, as well, as in & about Schenectady, & after I have made such a Choice of Officers as I think will prove agreeable & be fittest for y^e Service, I will fill up their Names & transmit them to you, I shall also speedily recommend officers to supply the Vacancys thro' out the Regiment, of which there are a good many at present

In some of the Southern Governments there is an Annual Salary allowed to an Adjutant, and I think it verry reasonable & necessary, but least that should not be approved of Lieut. Guy Johnson has offered to accept of that Commission, and his knowledge of, & being in the Regular Service will I am certain enable him to discharge it properly. I should therefore be glad to have his Commission accordingly, as *Adjutant to ye Regmt of Militia of the County of Albany, with the Rank of Captain therein.*

So soon as I am favoured with the Commissions, & have made the proper Choices, I shall imediately acquaint you therewith and you may rely on my best endeavours for y^e publick Service, as well as on the Candour, and sincerity with which I am

Dear Sir

Your most Obedient & most Humble Servant

The Hon^{ble}
Lieut Gov^r COLDEN

W^m. JOHNSON

From Gen. Jeffery Amherst

NEW YORK 18th August 1763

Sir,

I Have Just now Received the Favor of your Letter of the 15th Representing the Case of Christopher Blundel, the Storekeeper in Fort George, whose Salary, so far

as it Depends on the New York Independent Companys, must, by their being Disbanded, Cease.

I Expect very soon to be Honored with His Majesty's Commands for the New arrangement that will take place in this Country; and should it then be in my power to provide for this Man, I shall certainly Do it; But should it happen Otherwise, All I can Do is to Represent his Case to the Secretary at War, for his Consideration; for there is no Doubt but that the Salary he Drew from the Independent Companys, Ceases by their Reduction.

I am with great Regard,

Sir,

Your most Obedient Humble Servant

The Hon^{ble} }
Lt Gov^r COLDEN }

JEFF AMHERST

From Sir William Johnson

JOHNSON HALL 31st Augst 1763

Dear Sir

Mr John Hansen of Albany who will have the honour of delivering you this letter, has been recommended to me by some of the most considerable People in that City, to use my endeavours, for procuring him y^e office of Sherrieff for the same. As I look upon him to be a Gentleman verry well qualified for that employment, I have therefore taken the liberty of recommending him to your notice, and it will much oblige me if you ca[n serve] him therein, with any propriety.

I wrote you concerning the Commissions &ca and on other Subjects the 10th of this Ins^t, which letter I hope you received, and you may be assured I shall be always happy in hearing of your Health & Happiness, as I am with real sincerity

Dear Sir

Your most Obedient & most Humble Servant

The Hon^{ble} }
Lieut. Gov^r COLDEN }

W^m. JOHNSON

*From Earl of Halifax*WHITEHALL [London, Eng.] 5th September 1763

Sir,

It having been represented to The King, that on the 29th Day of July last, a Quarrel happened in the Province of New York between M^r Forcey, and M^r Waddell Cunningham, two Merchants of that Place, and that M^r Forcey having first struck M^r Cunningham he thereupon drew his Sword and stabbed M^r Forcey; and for which M^r Cunningham will consequently take his Trial there, if M^r Forcey should dye of his Wounds; I am commanded to signify to you His Majesty's Pleasure that you cause a Report to be made to His Majesty of M^r Cunningham's Trial, in case he should be convicted, and that you do in the meantime cause his Judgment and Execution to be respited till His Majesty's Pleasure shall be known thereupon.

I am with great Truth and Regard,

Sir,

Your most obedient humble Servant

DUNK HALIFAX

To the Governor, and in his absence to the
Lieutenant Governor, or Commander in Chief }
of His Majesty's Province of New York.

[Indorsed]

Secretary of States Letter, signifying
his M. Pleasure that Mr Cuningham
should be Reprieved.

*From Sir William Johnson*JOHNSON HALL Sept^r 20th 1763

Dear Sir

I had the pleasure of writing you the 10th of August last, and also since by M^r Hansen both which I hope you received; the former of which being concerning the appointments for the Militia &ca I should be glad to hear from you on, as soon as convenient. The Militia being

at present in some confusion thro' the want of the Officers and Regulations which I proposed, as well as from the many Vacancies now in the Regiment.

The Bearer *Hendrick Wamash* a Wappinger with three other Indians now wait upon you concerning a land affair at the Fish-kills, with which they tell me you are somewhat acquainted, and for part of which Lands they were never paid: The partners are several, but for your farther information I enclose you a Letter from *Mrs. Brett* who is one of them to me last Year when at *Easton*, and I submit the affair to your consideration.

The Indians of the *six Nations*, as also *Susquehannas* and those of *Caghnawaga in Canada* have just left this having had several Conferences which gave me sufficient Employment for this fortnight past. They have renewed all their Engagements, and behaved Extremely well, they inform me they have brought the two first *Seneca Castles* to reason as a proof of which they were accompanied by Six of that Nation, and are in hopes of bringing over the rest. The *Caghnawaga's* having intimated their desire to fall upon our Enemies, I have accordingly given them the *Hatchet*, and I flatter myself they will prove very usefull to us as will the 5 Nations & many others if we treat them well & give them Encouragement

I hope to be enabled to write you more fully in my Next, and in the meantime remain,

Dear Sir with the greatest Sincerity & regard

Your most Obedient & Most Humble Servant

W^m. JOHNSON

The Hon^{ble}
Lieut. Gov^r COLDEN

From Gov. Montagu Wilmot

HALIFAX Nova Scotia 6th October 1763

Sir,

His Majesty having been pleased to appoint me Lieutenant Governor of this Province, I have accordingly

taken on me the Administration of the Government; and shall be happy in every opportunity which may offer of concurring with you for promoting His Majesty's Service.

I am Sir

Your most obedient & most Humble Servant

M. WILMOT

The Honorable Lieut Governor COLDEN

From Earl of Halifax

ST JAMES'S [London, Eng.] October 9th 1763.

Sir,

His Majesty being informed by Dispatches lately received from Sir Jeffery Amherst, Commander in Chief of His Forces in North America, that the Insurrections of the Indian Nations, which have for some Time been increasing, now bear the Appearance of becoming general, has judged it necessary to require the Assistance of such of His Colonies, as are most interested by Their Situation, or most able, by Their Circumstances to contribute to the general Purposes of Defence, and of Annoyance of the Savages, in order to put the most speedy End to the great Mischiefs of which this extensive & most barbarous State of War is productive. I am therefore, to signify to you His Majesty's Pleasure that you earnestly recommend it, in His Majesty's Name, to the General Assembly of the Province under your Government, forthwith to make Provision for enabling You to call out a sufficient Number of the Militia, or to raise such a reasonable Number of Troops as from the actual State of the Indian War, Sir Jeffery Amherst shall think necessary, & to employ them not only in defending and protecting the Lives & Properties of His Majesty's Subjects on the Frontiers of Your Government, but, also in acting offensively against the Indians, at such Places, & in such Manner, as the said Commander in Chief shall judge proper to direct.

And His Majesty trusts, that the Legislature of your Government, from their Zeal & Affection for His Service, as well as from a just Regard to the Safety and Welfare of the Colony, will readily and chearfully concur in exerting themselves upon this important Occasion, to the End that His Majesty's Subjects in North America may peaceably enjoy the Fruits of the many glorious Successes obtained there by His Majesty's victorious Arms during the late War, & the extensive Advantages secured to Them by the late Peace.

I am with great Truth and Regard,

Sir,

Your most obedient humble Servant

DUNK HALIFAX

[Indorsed]

Letter from the Secretary of State
to raise Troops to act offensively against
the Indian Enemy.

9 January 1764 Read in Council.

From Sir William Johnson

JOHNSON HALL, Octb^r 13th 1763

Dear Sir

I have Just received an Acc^{tt} that a considerable Body of Indians from the Ohio, & the Senecas Country are Assembling on the Susquehana below Wioming, and that they are destined to fall, either on *Shamokin*, *Esopus*, or to Cut of the Mohawk River from Schenectady upwards. The first of these places is capable of making a Defence, but I can see little to prevent their success against the two latter, particularly in these parts from the bad state of the Militia, and the great want of Amunition &c^a.

I have acquainted Co^{ll} Hardenbergh of y^e danger of the Settlement of *Esopus*, and as I have no doubt that one of these Designs will be put in imediate Execution, must beg the favour of hearing from you thereon, as also of your Answer to mine of the 10th of August last concerning the Vacancies & Additions necessary for this Regiment. In the meantime I shall take every effectual

measure for the obtaining the necessary intelligence, on which the safety of this important Frontier must chiefly depend, and on Warning of the Enemys Approach, shall make the best Disposition the nature of the Country will admit of.

The many Successes of our Enemies together with their large Numbers may prove of dangerous consequence by influencing our Friends to Join them thro fear of their power vicinity & resentment, especially as we are not able to afford them the assistance which Allies should require, but I shall continue to use all my endeavours to prevent a Defection which as Matters now stand must prove y^e destruction of this Country, as well as cutt of so essential a Communication to the Lakes. I hope to have the pleasure of your Answer and I am with great Sincerity & Esteem

Dear Sir

Your hearty Welwisher & most Humble Servant

W^m. JOHNSON

The Hon^{ble}
Lieut Gov^r COLDEN

From Admiral Alexander Colvill, Admiral of North America Station

ROMNEY in Halifax Harbour the 14 October 1763

Sir

Yesterday I arrived at Halifax, in the Romney of fifty Guns, in consequence of my being appointed Commander in Chief of his Majesty's ships stationed on the Coasts of North America from the River St Lawrence to Cape Florida and the Bahama Islands. All the Ships of my Squadron sailed from England at different times during the past Summer. Each Captain has a Set of Instructions from the Lords Commissioners of the Admiralty for his Guidance, which he is directed to communicate to the Governour and Council of the Province where he is stationed. The inclosed Letters contain some other

Instructions, which I find it necessary to give the Captains in addition to those they have already received. I take the Liberty of sending them in this manner because no other method offers, and I beg the favour of your Excellency to forward them as soon as possible.

I am

Sir

Your most obedient humble Servant

COLVILL

The Honble Lieut. Governour COLDEN
[Indorsed]
Lord COLVILL.

From Gen. Jeffery Amherst

NEW YORK, 27th Octo^r 1763

Sir,

At a Meeting which I had with Sir W^m Johnson at Albany (from whence I am Just Returned) to Concert the properest Methods to be Taken for the Security of the Country, in the present Insurrection of the Indians, it Appeared to Us Impracticable to Pursue any further Offensive Operations during the Winter than what have been already Ordered; But that it would be absolutely Necessary to Arm the Militia, & to Send out Scouts occasionally in Snow Shoes, so as to Prevent any of the Frontier Settlements from being Surprised, or Cutt off by any of the Enemy Indians that might Venture to Attack them: Sir William, at the same time, Promising to Use his utmost Endeavors, not only to Keep the *Five Nations* Quiet, but to Engage some Partys to Joyn with the Militia, should there be any Occasion for them. These Measures, I Trust, are the most Effectual to Secure the Inhabited Country, altho' it certainly may be in the Power of the Savages to Do great Mischief on many Parts of the Frontiers, before the Season will Permit the Putting in Execution such a Plan as may be Judged Proper & Practicable, for Carrying the Operations into the Heart of the Enemy's Settlements, & Punishing them

with that Rigour which their Perfidious Treachery so Justly Deserves.

I Must however Represent to You, that Sir William Johnson Assured me the Militia in General were in Want of Powder & Lead; and that without a timely Supply of these Articles, it would be Impossible for them to Act Even in a Defensive manner: This I Doubt not but You will Immediately Remedy, and Likewise Send the Necessary Orders to the Commanding Officers for their being at all times in Readiness to Protect the Settlements, as well as to Send out Scouts, when Judged Necessary: Sir W^m also observed that there were Several Vacancys, which, on this Occasion, ought to be Immediately Filled up.

I Cannot help mentioning to You, that the Fort at Albany seems to be in a Ruinous state; the Inside being Wood, is mouldering away, & without some Repairs in time, will soon be totally Decayed: As it will be a Saving in point of Expence to Repair the Fort before it is too much Decayed, I Doubt not but You will think it Adviseable to make Application to Your Council and Assembly to Enable you to Effect this Service which Naturally ought to Fall upon the Province, & now that the Number of Regular Troops is so greatly Thinned, cannot be Executed by Me.

I am, with great Regard,

Sir,

Your most obedient Humble Servant

JEFF. AMHERST

The Hon^{ble} }
Lt Governor COLDEN }

The King vs John Peterse Smith

NEW YORK SUPREME COURT

of the Term of October in the Third and Fourth Years of the Reign of our Sovereign Lord King George the Third. ORANGE COUNTY, ss Be it remembred That John Tabor Kempe, Esquire, Attorney General of our Sovereign Lord

the Now King for the Province of New York who for our Said Lord the King prosecutes comes here into the Supreme Court of our Said Lord the King for the Province of New York at the City of New York the Twentyninth day of October in this Same Term in his own proper Person, and for our Said Lord the King giveth the Court here to understand and be Informed That Whereas by an Act of the Governor the Council and the General Assembly of the colony of New York Made Passed & Published at the City and County of New York on the Twenty Ninth day of November in the Nineteenth Year of the Reign of our Late Sovereign Lord George the Second and in the Year of our Lord one Thousand Seven Hundred and Forty five Entitled an Act to make it Felony without Benefit of Clergy to Counterfeit any Spanish French or Portuguese Gold or Silver within this Colony, Reciting as therein it is recited it was Enacted by his Excellency the Governor the Council and the General Assembly and it was thereby Enacted by the Authority of the Same That any Person or Persons that Should there after be found guilty of counterfeiting any of the French Spanish or Portuguese gold Coins or Spanish Pieces of Eight or any other Spanish Silver money or Should pass any Such gold or Silver coin Knowing the same to be counterfeit Should for Such offence being thereof convicted Suffer the Pains and Penalty of Death without the Benefit of Clergy as in cases of Felony any Law, Usage or Custom to the contrary notwithstanding as by the Same Act of the Governor the Council and General Assembly recourse being thereunto had may more fully appear, And the Said Attorney general of our Said Lord the King being Present here in Court in his own Proper Person as aforesaid for our Said Lord the King Giveth the Court here further to Understand and be Informed that after the Making Passing and Publishing the Said Act, to Wit on the last Tuesday in April now last past That is to Say on Tuesday the Twenty Sixth day of April in the Third Year of the Reign of our Sovereign Lord George the Third Now King of Great Britain &c at the General Sessions of the

Peace of our Said Lord the King held for the county of Orange at Orange Town in the same county of Orange before Abraham Haring Esquire and others his fellows Justices of our Said Lord the King assigned to Keep the Peace and also to hear and determine divers Felonies Trespasses and other Misdeeds In the same County of Orange done and committed by the Oath of Twelve Jurors good and Lawfull Men of the Body of the County of Orange aforesaid who were then and there Sworn and Charged to Enquire for our Said Lord the King and the Body of the County of Orange aforesaid, one James Campbell of the Town of Orange in the Said County of Orange Yeoman was Presented and Indited for Counterfeiting Several Spanish Milled Dollars and other Spanish Silver Money The Said Milled Dollars being Spanish Pieces of Eight at Orange Town aforesaid in the Said County of Orange on the first day of May in the Year of Our Lord one Thousand Seven Hundred and Sixty Two, And the Said Attorney General of our Said Lord the King being present here in Court in his own proper person as aforesaid for our Said Lord the King giveth the Court here further to Understand and be Informed that John Peterse Smith of Orange Town aforesaid in the Said County of Orange Yeoman well Knowing the premises and devising and practising, and falsly unlawfully unjustly & wickedly Intending to hide the Said James Campbell, and him the Said James Campbell from the Process of Law for the Offences aforesaid to Conceal, and to render the Process of Law against him the Said James for the offence aforesaid of no Effect on the Eighteenth day of May in the Third Year of the Reign of our Said Sovereign Lord George the Third now King of Great Britain &c with Force and Arms at Orange Town aforesaid in the Said county of Orange, Did in pursuance of Such his wicked Designs and Intentions Unlawfully Wickedly and Knowingly Secrete Conceal Harbour Assist Support and Comfort him the Said James Campbell, In contempt of our Said Lord the King and his Laws to the Manifest hindrance of Justice to the most Evil Example

of all others in like case offending and against the Peace of our Said Lord the King his Crown and Dignity whereof the Said Attorney General of our Said Lord the King for the Same Lord the King prayeth the Advise of the court here in the premises, and due process of Law against him the Said John Peterse Smith in this Behalf to be made to answer to our Said Lord the King of and in the Premises

J. T. KEMPE

Attorney General

Read and filed 29 Oct^r 1763

[Indorsed]

Oct^r Term 1763

<p>The King vs JOHN PETERSE SMITH fo. 12</p>	}	<p>Information for harbouring a man charged with Felony</p>
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From Sir William Johnson

Dear Sir

JOHNSON HALL Novb^r 4th 1763

I have had the pleasure of your Letters of the 8th and 24th Ult^o and shall on any farther application from *Hendrick Wamash* give you notice thereof in writeing, nor would I by any means chuse that you should incurr any expense with Indians. I recollect that one Marjery West was formerly given up to me by some Delawares & probably some of these Indians might have been concerned in making her Prisoner, but I apprehend that is immaterial, as the Delawares had been concerned agst Us, and since made Peace, w^h some few of them strictly adhere to.

I shall not fail to inform you from time to time of any Intelligence worth communicating, and I shall, as occasion may require, give Notice to the other Colonels for the Public Safety for w^h Service Expresses should be allowed.

Yesterday I received a letter by Express from the Mayor of Albany acquainting me that 3 Chenussio Indians were arrived there (as they said) to trade and he therefore desired my advice what was best to be done with them, I have given him my opinion that the getting

some of our Enemies Prisoners may probably tye up the rest of y^t Nation from acting agst us, but I apprehend that *three* are too few to effect that End, and may only draw their resentment on this River hitherto unattacked.

I have received Captⁿ Johnsons & three Blank Commissions the latter shall be immediately filled with those best qualified for the Service, & their Names transmitted to be entered in the Secretarys office, two of these Commissions I intend for Capt^s of *Grenadiers* one to each Battallion, & the other for a Troop of light Horse for the Second Battallion.

As to that Troop it can be immediately formed from the Inhabitants in and about Schenectady, and will easily be filled by Volunteers to the amount of 60 Men which I apprehend will be Sufficient with a Cap^t 2 Lieut^s a Cornet, & Quarter Master, and that they Should be considered as light Horse or Dragoons which are a much more Serviceable Corps in this Country than Horse, who never dismount, I shall in a Day or two go to Schenectady & Albany & shall then fill up the Captaincy for the Troop, the Regulation for which will I hope meet with your approbation, and as the Companies are now much larger than formerly, I can easily without distressing or reduceing them too low, form the Troop & two Companies of Grenadiers from Volunteers out of each Battallion, and I hope that the additional Companies and Troop, as they will cause an emulation in the Men belonging to each will prove a ready & Serviceable Body.

As the Setting of the Assembly is now shortly to take place, I believe you will be of opinion as I mentioned in my letter of August last, that there may be several explanations & additions necessary to render the Service of the Militia more effectual. particularly in this County which is so extensive & important a Frontier.

In the first place it may be necessary that the 2 Companies of Grenadiers, Troop of Horse their Accoutrements Regimentals &c^a and the Adjutancy be confirmed by a Clause in the Act, but this I must Submit to your Judgment. Also as you well know the levelling footing on

which the People are here, and the fears the officers are under of executing their trust in a becoming manner, least they should afterwards incur the resentment of their inferiors in office, that until articles of War be made & established, such offenders be punishable by Fines to be levied by Warrant as for other offences, and that these fines be made Sufficient to deter any Persons from offering any abuse or affront to their Superiors for their discharging their Duty, this is in my opinion the only effectual way to encourage the officers to act in a becoming manner in this County.

The articles of War should certainly be settled as soon as possible for the holding general Courts Martial, and also a power given to hold Regimental Courts Martial, to consist of a President & 4 Members, the President not under the Degree of a Captain &ca. and the Sentence to be transmitted to the Co^{ll} or officer commanding the Regiment who should be empowered to put the same into execution. That the Regiment be at least annually exercised by the adjutant by Order of the Colonel, or so often as the Commander in Chief shall direct, the Exercise for the Militia may consist of a few Motions, and the manner of forming, relieving Marching &ca for which it would be necessary they had also a Drill Serjant or Corporal to Each Battallion with an Allowance as is made for the Drums &ca by the former Act, and that this be continued at least for some time, as I beleive there will be always occasion for having a good Body of disciplined men on these Frontiers. These few additions or any others which may occur to you will tend much to the honour of the Province, and prove a means of establishing a respectable body of Men for the protection thereof, as also create a better opinion of Us in the Minds of the Indians than they have hitherto entertained. I take the liberty therefore of Submitting them to your consideration and I hope they may coincide with your Sentiments on that important Subject.

I had a short Meeting with Sir Jeffery Amherst a few days ago at Albany, when he was pleased to agree in

many Sentiments with me on the present Hostilities. I also recommended to him y^e raising of three Ranging Companys w^h I undertook to raise imediately for the Security of these Frontiers, but it was not thought adviseable, as He informed me he expected some Troops from Hallifax & Pensicola imediately, however they must be a meer handfull. neither can they be so well calculated for so necessary a Service, as the Woodsmen of this Country Joined by trusty Indians whom I should readily provide perhaps the Assembly might approve of such a proposal.

By a Letter I have Just received from the Lords of Trade, they express his Majestys inclinations to have Indian Affairs transacted on the most regular & extensive Plan, and the freindly Indians redressed in any Matters of Greiviance of w^h there are many, and I am hopefull that the alarm which these cruel Hostilities cause will occasion Such Steps as may in a great measure prevent the like for the future.

On my recommending it, the Inhabitants of this River &ca have erected several stockadoed Forts round their Houses, w^h may serve as a Check to an Enemy, and a Security for the Women Children & those unable to March on an Alarm, & on my return from Albany I shall review the Second Battallion at Conajohare w^h will be of Service at this Juncture after which I shall do myself the pleasure of writeing to you further, & transmitting the officers Names. I am with perfect Esteem

Dear Sir

Your most Obedient and Most Humble Servant

The Honbl^e
Lieut. Gov^r COLDEN

W^m. JOHNSON

From Gen. Thomas Gage

Sir, NEW YORK, Novemb^r 28th 1763

I am just favored with your Letter of this date, inclosing printed Copys of Sir Jeffery Amherst's Letter to you,

of the 30th of October last, requiring an Aid from this province of Fourteen Hundred Men, for the Service therein mentioned, Your Speech to the Assembly thereupon, with the Assembly's Address and Resolves.

As Sir Jeffry Amherst had made a Requisition of the like nature, on the Government of New Jersey, the Assembly of which province is now sitting, I may soon expect a Letter from Governor Franklin to inform Me of the Resolves of that Assembly. And as soon as I receive it, I shall not fail, agreeable to the desires of the Assembly of New York to make a demand on the New England provinces, for their Quotas of the number of Men, judged necessary for the Service of the insuing Spring.

In the mean time, I should be glad that the Three Hundred Men, which Your Assembly have agreed to raise, for keeping open the Communication between Albany and Oswego, were compleated as soon as possible, as the seeing a force march towards their Country, might check the Indians, in any design they may have formed of molesting the Frontiers, on that Side, during the Winter & may prevent many Savages, who have not yet declared themselves, from breaking out against Us.

I am Sir with great Regard

Your most Obedient and most Humble Servant,

The Honorable Governor COLDEN

THOS GAGE

David Colden to William Johnson

[Copy]

Sir

N. Y. Nov^r 30th 1763

The candor & ingenuity with which you inquire into the Causes of Electrical Phenomena: and that thirst for a discovery of Truth, so evident in the Conversations I have had the pleasure of holding with you on that subject, and in your Letter to M^r Kinnersley which you put into my hands; assures me that you will expect my

thoughts without reserve, & that you will be pleased to have them in writing, especially if they may serve to detect our Errors, or assist in Discovering the real Cause of those curious Phenomena.

You will not doubt that I was much surprised when I heard you assert that in your Opinion there was no such thing as *Electrical Repulsion*: the Doctrine was so new to me, and a matter of such essential Consequence in Explaining the Phenomena, that I have paid all possible attention to your Arguments, & to the Curious Experiments you have shewn us in support of it; among which your 5th Exp^t I know is in the Opinion of several Gentlemen a positive demonstrations that two bodies both Electrified either *Positively* or *Negatively* do not Repell each other. But in my Opinion this Experiment does not determine what it is supposed to do because upon a supposition that the effects are produced by Repulsion the Event must be just what we see it is. I need not repeat the apparatus for the Experiment as you will understand me sufficiently without it. When the Large Bottle filld with water is Electrified we see the Small (one which swims in it with a wire fixd in its cork and issuing above the Neck of the large bottle) takes a motion upwards which you Sir say is caused by the attraction of the Air above the End of the Wire, I on the contrary think it may be caused by a Repulsion between the atmosphere of the Wire, & the atmosphere of the uper surface of the Water on Brass Cap of the Large Bottle, and I am persuaded you will on a little Reflection see that it will as naturally follow from the one Course of the other.

2^{ndly} When an Electrified Tin Plate is suspended over the Wire fixed in the Small Phial it neither Rises nor sinks. In your Opinion it does not Rise because the Electrified Tin Plate intercepts the attraction of the Air above, and its not sinking proves that it is not repelled by the Tin Plate, but in my opinion it does not rise because it is repelld by the Electrified Tin Plate, and it does not Sink because it is repelld in a contrar[y] direction & with equal force by the uper Surface of the Electrified Water or Brass

Cap of the Bottle which cause I suppose made it rise in the first Case, and still exists in the 2nd Case. All that I have now done if I have don anything, tends only to shew that this Experiment does not destroy the System of Electrical Repulsion, and that we are still to seek for a decisive Experiment in this Point. Such a [part missing] to End, except a small bit at the upper end where the Cork ball is to be put on. By the length of the wire I propose to have the Cork ball farther from the top of the Large Bottle than the distance at which we commonly see bodies separate from each other, and by covering the wire with Wax I expect to privent the Effect of the Repellency of the Electrified water & cap of the Large Bottle while at the same time the power of attraction in the Air above, if there is any may take full effect upon the Cork ball & end of the Wire. If the Phial then fixed does not rise when the apparatus is Electrified, it will shew that the Wire or Cork ball is not attracted by the Air above, and if it should sink when the Electrified Tin Plate is suspended over it this will shew that the Wire Cork ball is repelld by the Plate—I think it will be necessary to try whether two balls coverd with wax & suspended by flaxen threads to the Prime Conductor, will separate when that is Electrified; if they do, the end that I propose by covering the wire with wax, is not answerd & the Experiment will be as inconclusive as before; but if they do not separate I think it will be a Decisive Experiment

N.Y. Nov^r 30th 1763
To Mr W^m JOHNSON

From Gen. Thomas Gage

Sir,

NEW YORK Dec^r 4th 1763

I have had the honor to receive your Letter of yesterday. As you observe, the season is now too far advanced to forward the Troops to Albany in sloops; and of Course they must march by Land; And as it will not be possible to supply them with Provisions on their Route, They will be allowed the same Billetting money in Lieu thereof;

as has been always practised during the late War. And every Man shall be accounted with for his Provisions, or Money in Lieu of it, from the Time of his Inlistment.

I am with great Regard,

Sir,

Your most obedient & most humble Servant,

THO^s GAGE

Hon^{ble} Gov^r COLDEN

From Sir William Johnson

JOHNSON HALL Decb^r 5th 1763

Dear Sir

I herewith enclose you a list of officers I beg leave to recommend for supplying the Vacancies in my Regiment, at the foot of which, are the Names of the Horse & Grenadier Officers with the dates of their Commissions.

In my choice of officers I have been particularly carefull, and cheifly consulted the Feild Officers of the Regiment and pitched upon none, but such as are judged best qualified for the discharge of such Duty, and the publick Service.

I hope by this time some measures may be taken for rendering the Militia of this County as respectable as their Scituation and importance to this Province requires, as well as that some provision is made for supplying those with Amunition whose circumstances cannot afford to purchase it.

Some alterations correspondent wth those I took the liberty to point out in a former letter concerning the better enforceing some of the Clauses in the Militia Act, particularly for the better security of the officers from the insults & resentment of their Men, are highly necessary, especially in a Country where officers are generally very backward and afraid to make those under them do their Duty, w^h is cheifly owing to the want of punishment for offenders who may abuse their Superiors, and who are at present referred to a Court Martial, which cannot sit with propriety 'till Articles of War are established. Severall Justices of the Peace in these parts being greatly at a

loss how to demain themselves concerning the £5 Act, and whether they are restrained thereby from interfering in Matters concerning Lands whereby disputes & Riots are occasioned and often carried to verry dangerous lengths, I should be glad to be favoured with your opinion thereon.

There are now here upwards of 120 of the Five Nations, and many more hourly expected. Those present have made the most solemn Assurances of their unalterable Attachment to the English, their intention to communicate from time to time all intelligence of the Enemys Designs & Motions, as well as their resolution to accompany his Majestys Troops the ensueing Campaign, whenever their presence may be required. The Advantages resulting from such assistance are clear to me, and must appear so to all acquainted with their abilities, and usefullness in the Woods. I therefore spare no pains to cultivate this good understanding by good Treatment & favours, w^h are highly essential, at a time when they are not without the strongest inducements to partake of the plunder of our Frontiers, and the greatest apprehensions of Suffering for their Attachment to Us. I have the honour to be with all due respect

Sir

Your Sincere Welwisher & most Humble Servant
W^m. JOHNSON

P.S. Sir I have taken the liberty to point out to you in y^e enclosed paper, some things w^h might escape you, and which are indispensably necessary for y^e forming, and keeping compleat these two Troops of light Horse, and two Companys of Grenadiers, w^h if kept in compleat order will be found a verry usefull Body of Men on any occasion, wherefore I flatter myself you will enable me to compleat them as soon as possible, Indeed y^e Troop & Grenadier Comp^y in Schenectady are already in great forwardness by Volunteers of the best sort of People entering

into them—but least that Spirit should at any time slacken I beleive you will Judge it best to have y^e proper Regulations concerng. them & y^e rest of y^e Regmts. enforced by a Law of the Province

I am S^r Y^{rs}

The Honble
Lieut Gov^r COLDEN

W. J.

Memorandum for Governour Colden

[December 5, 1763]

Whereas it is Judged for y^e Good of his Majestys Service, and the better Security of this Frontier to add a Troop of Light Horse consisting of 70 Men to the 2^d Battallion also a Company of Grenadiers to Each of them of y^e same Number and as it is well known that Grenadiers & Troopers are always composed of such Men as are not only most likely to adorn the Corps, but also Judged most fitt for actual Service when occasion may require; it is therefore highly necessary that such Troops & Companies should be formed from such Men of the other Companys as are thought really fitt in every respect for the purposes aforesaid by the officer commanding the Regiment, or the aforesaid Corps. and in order to make the same effectual a Law should pass to establish y^e S^d Companys according to the Numbers intended, and that they shall from time to time be kept compleat in Non Commissioned Officers & private Men from the other Companys as the Cap^t or officer Commanding them shall be liable to the Penalty of whatever is Judged proper if at any time Said Troops or Grenadier Compy^s should be found not compleat & fit for the Service intended.

And the better to enable the Co^{ll} or Commanding Officers of Said Corps to perform what is expected of them in that case, there should be a Penalty of Ten or twenty Pounds on any refusing to be a Non Commission Officer & in proportion for refusing to be a Private. Each Troop to consist of a Cap^t 2 Lieu^{ts} a Cornet and Quarter Master and 70 Privates

Grenadier Companies to consist of a Cap^t. 3 Lieu^{ts}., 4 Serg^{ts}. 4 Corporals, 2 Drums & 70 privates.

Their Uniforms may be left to the Co^{ll}. to save the Legislature the trouble of directing them.

WM. JOHNSON

William Johnson to David Colden

Dear S^r

NEW YORK 7th Decem^r 1763

I received your obliging and ingenious letter, which I have often read over with all the care and attention I am capable of. I thank you for the good opinion you have form'd of my candor and love of truth; and I assure you that it affords me the highest pleasure to think that, in searching into the secret recesses of Nature, I have a person of so amiable a character with whom to converse and correspond on these subjects. And as I am confident that Truth only is the object of your inquiries, I rest satisfied that no opposition I shall make to your Opinions will be taken amiss.

Your letter contains remarks on, and objections against some of the conclusions drawn from the Experiments mentioned in my letter to the reverend M^r E. Kinnersley on electrical repulsion. You are not ignorant S^r how hard it is, if not altogether impossible, to come at uncontrovertible principles in philosophy. The immortal Newton lays it down as a rule that “in experimental Philosophy, propositions collected from the phenomena “by induction are to be deem'd (notwithstanding contrary Hypotheses) either exactly are very nearly true till “other phenomena occur by which they may be render'd “either more accurate or liable to exception.” But the application of this rule is no easy matter. Different men form different propositions from the same phenomena as is evidently the case at present with you and I. I have no other way of judging of the causes of any particular phenomena than by the effects which experiments bring us to the Knowledge of. You have the same. Of these we form different judgments, which is no new Thing.

From all which I draw this conclusion as a rule for my own conduct in philosophical Disputes to disclaim everything that has the appearance of positive either in particular expressions or general assertions.

As to my opinions on electrical Attraction and Repulsion, they are not found'd on any single Experiment but are formed from a survey of many particulars much too tedious to enumerate. When I laid before you the rough draft of my letter to M^r Kinnersley I did not mean to present you with an uncontrovertible demonstration of my new Hypothesis (pardon the vanity of the expression) but only as my sentiments of a disputed point; much less that any particular experiment in it was clearly demonstrative. So that were all the exceptions you make against the 5th Experiment mentioned in that letter to stand in full force against it, I humbly conceive they would by no means upset the Doctrine in support of which the Letter was wrote, tho I hope to be able to shew you before the conclusion of this letter that there are some very important circumstances in that Experiment you did not properly advert to.

I must own myself very much at a loss to know what unexceptionable name to give to that power by which two bodies in certain circumstances, rush towards each other commonly call'd Attraction. I believe it will be very hard to define properly what is meant by that Word. But as I conceive, it very little affects our present dispute, by whatever name we call it. I beg to be indulged in the use of its common one without pretending to define that power which by custom it is made to express. (Newtons optics Que. 31) There is nothing in Philosophy which I think more indisputable than that two bodies possessing different quantities of the electric Virtue shew an evident tendency to come into contact, in order to restore an equilibrium between them with regard to that fluid. This is a law that universally takes place without one exception that I know of. It subsists as well between those bodies commonly called electrics per se as between non electric or conducting Bodies. Then I think our dispute

will turn on this single point, does the Air possess this quality in common with other bodies or no? That is, does it come under this general law by which all other bodies are govern'd that of attracting and being attracted by electrified bodies? If dry glass amber or sealing wax will attract a cork ball, why may it not be allow'd that dry air will? Spirit of Turpentine is a fluid electric per se as well as dry Air, and it will attract an electrified ball. And I am of opinion (I have not tried the experiment) that electrised Balls will exhibit the same appearances in it, as in open air. I would not insist too much on Arguments brought from Reason and analogy to prove that the air is a body capable of attracting and being attracted by other bodies where a difference subsists between the quantities of the electric matter which they contain. The 6th experiment in my letter to M^r Kinnersley of which you have taken no notice sets that matter in a pretty clear light. A pair of Cork Balls possessing no more than their natural quantity, will seperate in air electrised either *plus* or *minus*. This I think cant be reasonably attributed to any repulsion between the balls. And if it is attraction between the Balls and the surrounding air it proves all I want. If it is not by that Cause their seperation is effected I beg you would give me some other rational solution of the Matter.

If from reason and experience then we have sufficient ground to conclude that the air comes under this general law, common to all other bodies, which we are acquainted with, that of attracting and being attracted by electrised bodies, if this principle is once granted, it is intirely sufficient to account for all the phenomena attributed to electrical repulsion and that in the most natural and easy manner. The seperation of the cork balls, the motion of the Machine in my electrical Horse race &c whether in a *plus* or *minus* state of electricity all answer as they should do without any forced Construction or calling in the Aid of any unknown powers or influences guess'd at to help out the appearance of an Hypothesis. This appears to

me more than can be said of the other Hypothesis even was repulsion admitted.

And now my dear Friend as I dont contend for Victory it is not my intention to press my sentiments upon you with warmth, nor blame you for not seeing them in the same light I do. I only beg a fair and unprejudiced Consideration of them taken in this point of view & shall leave the event to your own candor and penetration; entreating you at the same time to lay aside as much as possible the prejudice of preconceived opinions. I shall say a Word or two concerning the 5th Experiment in my letter to Mr Kinnersley and your remarks on it, and then conclude this epistle already swell'd beyond its intended bounds.

You say the "Phial suspended in the Water rises with "greater force when there is a cork ball on the end of the "Wire, because the force by which the Wire is repell'd "acts in lines parallell to its surface and can have but a "small effect upon it; but the same Force acts perpendicularly against some part of the ball and must then have a "much greater effect."—In this paragraph you have brought an appearance against me which I concieve to be the strongest in favour of my Hypothesis, that could be thought of, arising from a Circumstance you did not recollect, for I well remember telling you of it. You judge very right in observing that the electrometer rises with a greater force with, than without the cork ball on the end of the Wire, tho' I cant allow the reason you give for it to be the best. Let us call the force with which it rises without the cork ball = 1: To counter ballance this force the resistance of the point, according to your supposition, when fixed on must be = 1 also, the action of the one and the reaction of the other in this case being equal and contrary. Suppose then that the force with which the electrometer rises when the ball is on the end of the wire = 2, tho' I believe the difference to be much greater than than this proportion expresses. This additional force you imagine is occasioned by the atmosphere of the cap of the bottle acting by its repelling force in a perpendicular direction against some part of the cork ball Allow it to

be so. It will follow then that the electrometer with a point fixed on the Cork ball will still rise with a force = 1. For as the resistance of the point is only equal to the repulsive Force between the atmospheres of the wire and cap of the large bottle acting in different directions the other force (viz that between the cap of the containing bottle acting in a perpendicular direction against the cork ball) remains still to be overcome and the electrometer will rise with a velocity equal to the difference of the two forces. I will readily grant you that this Theory would very much favour your repelling hypothesis, did experiments but confirm it: But they do not. The electrometer will stand as perfectly at rest when ballanced with a ball and point at top, as when no ball but only a point is used. Here then on your hypothesis there are two unequal forces overcome or perfectly counterbalanced by the same power. This seems to carry a contradiction on the very front of it, whilst on the other opinion it is easily and naturally accounted for. Points, either in throwing, or drawing off the electric fire act no longer than till an equilibrium is restored; in neither case is there any thrown off or drawn on by a protruding force. When the globe of the electrical machine is in motion the prime conductor attracts no more fire from it by means of the points than till a perfect equality is restored between them; and then the globe has no power of forcing any more up into it by being kept long in motion. I take the case with regard to the electrometer to be similar. The superincumbent air can draw off no more fire from the point in either the forementioned cases than just to restore an equilibrium between it and the top of the electrometer: When the cork ball is off, the attraction of the air over it can be but weak upon it by reason of the smallness of the surface it has to act upon, viz the top of the Wire. Between this and the air a point when it is fixed on, readily restores an equality in their quantity; here its action ceases. But when the ball is on, and the machine electrised the air now having a greater surface to act on raises the electrometer much more forcibly than

in the last instance. But the point when on, as readily restores an equilibrium as in the former case by which means a perfect quietus is maintained in the moveable parts of the instrument. In this sense then the action of the unelectrised air is taken off by the intervention of an electrised body (viz Air) as when the tin plate is hung over the top of the cork ball on the suspended wire and phial and electrised along with it.

Thus S^r without any studied subtleties to elude the question I have with great Plainness given you my sentiments of electrical attraction, and repulsion. This Hypothesis I have embraced because it appeared reasonable and simple. But I stand open to conviction whenever a plainer or more unexceptionable one shall be offerd. I care not a single farthing on which side the Truth falls out to be. As I look on the subject to be of considerable importance I beg you will collect your thoughts and observations on the other side of the question and form them into some system for solving the different Phenomena on the repelling Hypothesis. If there can be arguments brought to support it mutually depending on and corroborating each other in a more natural and easy manner than the other will admit of, I can promise you one convert to your doctrine, who will be among the first to acknowledg it and publickly recant his former Errors. I mean myself. This request I have reason from your candor and abilities as well as your love of true Philosophy to expect will be granted. This will be doing a kindness to all lovers of learning as well as laying a particular obligation on S^r

Your obliged Humble Servant

WILLIAM JOHNSON

P.S. Most of the variations you proposed in the Experiment above mentioned are impracticable, whilst others did they succeed would as much favour the attracting as the repelling Hypothesis as I shall shew you when we meet. W.J.

Mr. DAVID COLDEN

[Indorsed]

To

Mr DAVID COLDEN

Present

From John Temple, Surveyor General of the Customs

Sir

BOSTON N. E. 12 dec^r 1763

I shall be very much obliged to you to order me three Certificates of the Oaths I took before you to Quallifie for the Office of Surveyor General, as the Province of Quebec falls under my Inspection I want them to forward there & to the Island of Bermudos. You will oblige me to give directions that I may Receive them by the Return of the post. I Congratulate your Honor on the Appointment of my Lord Hallifax to the Southern Seals with the Superintendentcy of American affairs it must be attended with great advantage to our Collonies from his Lordships thorough knowledge of their real Interest.

I am Sir

Your most obedient and most humble Servant

J. TEMPLE

To the Hon^{ble}
CADWALLADER COLDEN Esq^r

David Colden to William Johnson

[Copy]

Sir

N.Y. 15th Dec^r 1763

I cannot begin a Second Epistle without thanking you for the oblidging manner in which you have Answerd my first. I have daily too much reason to be sensible of the difficulties I meet with in Philosophical Speculations not to agree entirely with you have said of it: these difficulties are even sufficient to discourage a Man from such pursuits, especially when he reflects that more than nine in ten, are labouring in Errors. Yet such suggestions may be counterballanced by the Prospect that Truth will at length be discovered, and that even erroneous Principles, and the deductions & arguments drawn from them, are frequently leading Steps to True Principles. This I assure

you Sir is all that I am endeavouring at. And tho' I have formd some notions of Electricity which give my own Mind more satisfaction, than any Hypothesis which I am acquainted with; yet I have too much diffidence to be so much prejudged, by their favour, as not to be ready to receive any other that has greater evidence of truth.

I did not suppose that your 5th Experiment, was the only one on which you built your Hypothesis; but I conceivd it to be one which reduced the Point in question very much to an Ocular Demonstration, and I know some Gentlemen look upon it as such: I therefore made it the particular object of my attention and did not overlook those circumstances, which you are induced to think I did, by my omiting to mention them: the hurry I was obliged to write in, while my thoughts were continually employed by other affairs (which is still too much the case) & the length I found my Letter swelling to, made me omit many things; some of which I must now supply. The Reason which I assign'd for the Electrometer's rising with more force when there was a Cork ball on the end of the Wire, than when there was no ball, was such a one as I apprehended might escape your notice, while I was certain you was well acquainted with another of much more weight, & perhaps the only one which is that when the Cork ball is on the end of the Wire, the whole Electrometer can be much more highly Electrified, than when the Wire is naked, & that the degree of force with which bodies separate from each other, is in proportion to the degree in which they are Electrified—When a Point is fixed on the end of the Wire the Electrometer can't be Electrified but in a very small degree. The degree in which it is electrified in the several cases and the forces with which it rises in each case I would therefore Express by the following Numbers.

rising	{	when the Point is on = 3 ²	}	which likewise express the degree in which the Electrometer is Electrified in each case
forces		when the wire is naked = 4 ³		
		when the ball is on = 5 ⁴		

The force by which the Electrometer is moved downwards I would express by these numbers

sinking forces	{	When the Point is fixed to the Wire	= 2	}	which numbers may Express the quantity of Electric mat- ter thrown of in each case
		When the Wire is naked	= 1		
		When the Ball is on	= 0		

Now by comparing these numbers together we shall find that when the Point is on, the opposite rising & Sinking forces are equal.

When the Wire is naked, the rising force 3, exceeds the sinking force 1 by 2, = the force with which the Electrometer rises in this case

When the ball is on the sinking force is = 0, because then no Electric matter is thrown off, & in this case the Electrometer moves with the whole rising force equal to 4. But Sir I do not suppose that the Rising force is = 4 when the Point is fixed as above the cork ball; for it is in proportion to the degree in which the Electrometer is Electrified, as I before observed, & therefore is in this case = but to 2 for the Electrometer cannot be Electrified above that degree when the point is on; the sinking force is likewise 2 — I hope Sir my Explanation of this Experiment will now be freed of the absurdity with which it before appeared to you

I have Sir no objection to your using the word *Attraction* if you only intend by it to express an *Effect*: If when you say that such & such bodies are *attracted* to each other, or *by* each other, you only mean that those bodies *move towards* each other, we shall in no degree differ but if by attraction you mean a *power*, or the manner in which a power produces its effects, I can by no means acquiesce in such an opinion. The Learned Hoffman says Nullum datur in rerum Natura Suctio vel attractio, Omnia fit per Pulsionem, and the Great Newton says that by attraction he only means an effect, but whether that effect is produced by Pulsion, or in what other manner, he very ingenuously confesses himself ignorant of.

It is, as you observe, an Invariable Fact, that two bodies possessing different quantities of Electric matter, shew an evident tendency to move into contact. But if one of the bodies, or both of them are Electrics p^r Se, tho'

the same tendency is evident, It is in a much smaller degree as I make no doubt you will readily allow that there must be the same tendency between the Air, and any body which contains either more or less Electric matter than it, I allow yet Sir notwithstanding we set out so perfectly together, we must part as soon as we begin to apply these observations to explain other Phenomena, but I hope we may yet have the pleasure of uniting throughout in the real and true Explanation of those intricate Phenomena—I must now before I proceed any farther recur to your 6th Experim^t which I omitted in my former Letter—And I will see in your opinion the balls which in this Exp^t. are suspended within an Electrified Vessell do not separate when they are Electrified because the lateral attraction of the Air is intercepted by the sides of the Vessell, but when we see that these balls keep together in the same manner when there is no lateral body to intercept the supposed attraction of the Air, and only an Electrified body under the balls, I can not grant that it is the circuma[m]bient sides of the Electrified Vessell which prevents their separation.

From Gen. Thomas Gage

NEW YORK Dec^r 19th 1763

Sir—

Major Moncrieffe & L^t Montresor who arrived last friday from the Upper Country, brought some Intelligence, which I now inclose You, & should have been glad to have communicated to You before, had it been in my power, but the extreme Hurry I have been in & the Several Letters, from which I have been obliged to form a satisfactory Account have retarded Me, till this day;

I am Sir with great Regard

Your most Obed^t Hum: S^t

THO^s GAGE

HON: L^t GOV^r COLDEN

David Colden to William Johnson

[Copy]

FORT GEORGE 19th Dec^r 1763

Dear Sir

Inclosed are the papers which I said you might keep for your perusal at leisure, they contain a summary of what I wrote in the year 1757, I think, which I call'd a Supplement to the Principles of Action in Matter, being the Tittle my Father gave to his Book of Natural Philosophy; The Supplement is lengthy, for in that I went thro' the Electrical Phenomena, as minutely as I was capable—This Summary I drew up for communicating to my friends a general Idea of my Conceptions—and am now very glad of the opportunity of communicating them to one so capable of judging of them, and from whom I hope for the most free & friendly Animadversions upon them—You will find them a little different from the Papers you looked over the other day. They were as far as I have gon in reconsidering the Summary & making it somewhat fuller.

To M^r W^m JOHNSON
in New York

*From Sir William Johnson*JOHNSON HALL X^{br} 24th 1763

Dear Sir

I am Just favoured with your letter of the 7th Inst^e enclosing me two Capt^{ns} Warrants & 2 Commissions as also three Lieut^s. Warrants and 2 Commissions from which I conclude that 'twas a Lieut^s. Warrant which was given to M^r *Ten Eyke*. The rest of the Warrants shall be given to Such Persons as I Judge will answer the Public expectations in the most expeditious & most effectual manner. The Companies when raised shall be mustered agreeable to your directions, but the small pay of the officers in a Country where People are accustomed to high Wages, and where Men are now raising by Co^{ll} Bradstreet

at much higher rates as I am told, will I fear greatly retard their compleating, and I am a good deal Surprised how y^r letter & Inclosures could have been so long by the Way

The Indians who have been with me from all the 6 Nations for several days are Just departing for their respective Countrys, they amounted to 230 and were accompanied by several of the yet freindly Seneca's from *Kanadassegey*, as also by 3 Deputys sent from *Chenussio* requesting to be informed of our present resolutions, & to know whether offers of peace on behalf of their People will be accepted of or not, in this, they were seconded by the rest of the Nations, who after representing the manner in w^h the *Enemy Senecas* had been drawn into the War, intimated that should they now be received into our freindship, the whole Six Nations would heartily Join us against the *Shawanese & Delawares*, whom they represented as the principal authors of all the late trouble, or agst any other of our Enemies and I know the disposition of these People so well as to foresee that any attempts agst the Senecas must naturally create uneasiness amongst the rest of the Confederacy more particularly y^e Cayugas & Onondagaes who are more connected wth them than any of the rest. After giveing them a verry Severe reprimand for their Villainous & unnatural behaviour in y^e presence of the rest, I answered them that I could do nothing therein, but would lay it before the Kings General.

I have Just received two letters from the Lords of Trade (One dated in Septb^r y^e other in Octob^r last) enclosing me the Kings Proclamation, & expressing the approbation of his Majesty & his Ministers, & that of their Lordships on my late representations, and his Royal orders that I should cause the proclamation therewith transmitted to be published & strictly complied with throughout my Jurisdiction, and I am hopefull that within a small Period of time things may be settled on a still more Satisfactory Plan.

I am a stranger to what cause the Assembly attribute

the unhappy Rupture w^h is not a generall defection of the 6 Nations as is asserted nor indeed of any other Nations, except the Shawanese. Some of y^e Ottawaes & Chippawaes, also Delawares & *Chenussios*. I shall not take upon me to point out the Originall Parsimony &ca to w^h the first defection of the Indians can with Justice & certainty be attributed, but only observe as I did in a former letter that the Indians (whose freindship was never cultivated by the English with that attention expence & Assiduity with w^h y^e French obtained their favour) were for many years Jealous of our growing power, were repeatedly assured by the French (who were at y^e pains of haveing many proper Emissaries amongst them) that so soon as we became Masters of this Country, we should imediately treat them with neglect, hem them in with Posts & Forts, encroach upon their Lands & finally destroy them. All w^h after the reduction of Canada seemed to appear too clearly to the Indians, who thereby lost the great advantages resulting from the possession w^h the French formerly had of Posts & Trade in their Country, neither of which they could have ever enjoyed but for the notice they took of the Indians, & the presents they bestowed so bountifully upon them, w^h however expensive they wisely foresaw was infinitely cheaper, and much more effectual than the keeping a large body of Regular Troops in their several Countrys, w^h however considerable could not protect Trade, or cover Settlements, but must remain cooped up in their Garrisons or else be exposed to the Ambuscades & surprises of an Enemy over whom (from the nature & scituation of their Country) no important Advantage can be gained. from a sense of these Truths the French chose the most reasonable & most promising Plan, a Plan which has endeared their Memory to most of the Indian Nations, who would I fear generally go over to them in case they ever got footing again in this Country, & who were repeatedly exhorted & encouraged by the French (from motives of Interest & dislike w^h they will always possess) to fall upon us by representing that their liberties & Country

were in y^e utmost danger, and that a Fleet & Army was arrived at Quebec and another Army coming by the way of Mississippi to their Assistance all which the Ind^s were persuaded to Credit, until their Messingers sent to the *Illinois* returned & contradicted the report so industriously propagated by the French, which immediately struck at our Trade, gave them some distant hopes of a re-establishment by embroiling our Affairs, and drew down the valuable furr Trade by the way of the *Ajoues* & Mississippi, and the Indians once embarked in the quarrel, were easily induced by their success & advantages of Plunder to continue their Ravages in the midst of which however I have y^e satisfaction to find that my unwearied labours hath hitherto preserved the whole Confederacy (Chenusios excepted) with many other Nations & thereby secured this verry important communication to the Lakes also that by the River S^t. Laurence, together with these Western Frontiers from the Fate w^h hath attended the neighbouring Colonies, to effect these important Ends, as I have sacraficed all my Tranquilty & Domestic concerns, so I have the pleasure to find myself rewarded in the favourable Sentiments with which his Majesty & the Ministry have been lately pleased to express themselves concerning my labours for the public. The present unhappy rupture was long foreseen, & frequently represented by me, but I had the mortification to find that it did not meet wth sufficient credit, which neglect at length brought on the Calamities in which we are involved, and from which I apprehend we can never be any time free, unless we remove the Jealousies w^h the Indians entertain of us, and purchase their freindship with favours and notice, which freindship once obtained, & established will enable us to withdraw our hands, & shorten y^e expences by imperceptible Degrees. These are my sentiments on the present state of Indian Affairs, and the causes to which the Hostilities are certainly to be attributed & I hope they may tend to y^e farther information of any who may be desirous to enquire into the Subject.

The Petition which you sent me, I was informed of

Sometime ago, and that *George Klock* a Person of an infamous Character at Conajohare had made it his business to procure the Signing of it by several persons, the greater part of whom I know to be his Relations & creatures, his own Name is erased at the head of Men whom he persuaded thereto (as I am Informed) on promises of reward, & getting them Commissions w^h the Ignorant People readily beleived. I have however sent for the two officers complained of, and shall transmit you my further enquirys therein. I am with due respect

Dear Sir

Your most obedient & most Humble Servant

W^m. JOHNSON

The Hon^{ble}
Lieut^t Gov^r COLDEN
[Indorsed]
24th Dec^r 1763
Sir W^m JOHNSON's Letter

From Sir William Johnson

Dear Sir

JOHNSON HALL Decb^r 30th 1763

Yesterday I was favoured with your letter of the 19th Ins^t in answer to mine of the 5th

I have received particular information of all the late Transactions at the *Detroit* as well from the officers, as from one of the Mohawks (whom with others I sent there to be of any service in their power) who is Just returned from thence charged with several Belts &ca to me.

As the cheif Cause of the Hostilities committed by the Indians was intended to procure themselves redress of some wrongs, and to obtain a better treatment, together with occasional gifts or rewards for the admitting Posts in their Country, I am of opinion their offers of Peace arise principally from an expectation that they will for the future obtain their desired Ends, which they could not get by any other means than by haveing recourse to Arms. for this reason I conclude they have made their late offers, and I likewise beleive they would abide by

their promises, if we for the future gratify their expectations; but I am fully convinced they will never preserve peace long, on any other terms. They know their own strength & Scituation too well to be as yet apprehensive of our resentment, & they will never want Amunition whilst the French can supply them by the variety of communications open to y^e Western Indians, & beyond our power to shut.

The Five Nations have had no occasion to alter their behaviour w^h as it has saved y^e Communication & the Frontiers of this part of the Province Justly entitled them to all necessary Supplys for themselves more they did not require nor are they so well affected to these Nations who have made War upon us, as to give them Amunition even tho they had it. Indeed the Indians are verry chary of powder & altho they often waste it whenever they have plenty (w^h has not been since Canada Surrendered) yet they are not so weak as to part with it to others, besides they have never had more from us than a verry bare Sufficiency, often expended before their hunt^s Season was near over. If therefore they should be denied Amunition, it would imediately confirm them in the Sentiments w^h greatly contributed to produce the defection of the rest, & would counteract all my endeavours to remove that too generall opinion, for the Suspecting their sincerity would make them become dangerous Enemies & of this, I have had repeated experience.

I wrote you pritty fully in mine of the 24th by which you will see the difficulties which may arise in punishing y^e *Chenussios* and the advantages which will attend our turning our Arms against the rest of our Enemies, w^h will equally answer the important purpose of giving them a just Idea of our Abilities & Resentment.

As I am well acquainted with the Inclinations of the freindly Indians, I know the lengths they are to be trusted on the Article of Amunition, of which I am certain they will make no bad use, it is an Article so hard to be procured here, that I have not had it in my power to give them what I knew they stood in the greatest need of,

and the Trade being now over they can have little, if any, from that Quarter, altho I must confess the danger they run from the attachment to w^h we have hitherto own the Safety of these parts, sufficiently merits such a return from Us as will shew them that they are not losers by their fidelity.

From what I have heard from the Senecas, as well as from the good disposition of the rest, I should be induced to hope that these Frontiers might enjoy a state of Tranquility at least for a time, but as this must be verry uncertain (especially if the Peace offered by the Senecas is not accepted of) I apprehend the two Companys for these Frontiers may be not amiss, but I fear they cannot easily be raised at this time as I have offered the Warrants to Several who declined accepting of them, by reason of the lowness of the officers Pay, and the Bounty now offered in Albany &ca for raising Men for other Service. M^r Ten Eycks son has sent me the Warrant you gave him as his Mother, he says would not agree to his Serveing. Be assured Sir I shall give you imediate Notice in case there appears a prospect for compleating them, as well as give you any further intelligence w^h may come to my knowledge worthy your information and I have a particular pleasure in assuring you how much I am

Dear Sir

Your most obedient & most Humble Servant

The Hon^{ble} Lieut. Gov^r COLDEN

W^m. JOHNSON

*From Daniel Horsmanden Recommending James
Graham, Jr. to Be Licensed to Practice in
the Supreme Court*

Sir,

[1763]

The Bearer M^r James Graham Jun^r, as I have acquainted your Honor, has applyed to me to recommend him for a License to practice as an Attorney of the Supreme Court. I have endeavoured to have some of

[the] practisers with me that he might undergoe their Examination before me but having failed in that Attempt have taken Care to Satisfy myself, & do think him well qualified for that purpose & do therefore recommend him to your Honor for a Lycense.

I am,

Sir,

Your Honors,

Very humble Servant

DAN^l HORSMANDEN

[Indorsed]

Ch. Ju^e HORSMANDEN

Recommendation of Mr Graham

Cadwallader Colden to Dr. Robert Whytt

[Copy unaddressed and undated]

Dear Sir

[September 3, 1763]

I have your letters of the 16th & 20th of May with a copy of Dr Porterfield's inclosed Since my papers are now in your hands where I was very desirous to have them placed I am quite easy & shall leave them intirely in your disposal In your judgement I confide absolutely The firm persuasion I have of the truth of the Principles contained in those papers, however I may have erred in the application, made me desirous to have them placed in your University library. The good or bad reception of any thing new depends much on concomitant circumstances by its being patronised or favoured or otherwise treated by persons of distinction but it chiefly depends on the general temper & bent of mens minds at the time Riches & political maxims of some ministers have introduced such a degree of general luxury & dissipation of time that few can fix their thoughts with any degree of attention upon any Subject Books of meer amusement or which favour a licentious spirit are the delight of the present age This spirit is as destrutive of learning as it is pernicious to society & good Government. Some reformation seems absolutely necessary May all good

men unite in assisting our young patriot King in a reformation which will give glory to the King & happiness to his Dominions. When such reformation shall be effected the public taste will be changed & then books which require some attention may obtain reputation & be generally read

If you think that my presenting the papers in your hands to the University of Edinburgh where I received the first rudiments of knowledge will not be assuming too much to my self & that it will be agreeable to the Gentlemen of that university I must beg of you to do it for me in such terms as are most respectfull to them so that after the papers are out of your hands they may be intirely at the Disposal of the Gentlemen of the University & I leave it to you to take what time you please for this purpose.

I am intirely unacquainted with Mr Ferguson's character. Please to make my complements respectfully to him & let him know I am very desirous to know the sentiments of a person whose Judgement you prefer to your own

I am very glad to hear that you design to reprint your [treatise] on vital motions for I shall allwise expect from you some farther improvement on our knowledge. After General Monckton our Governor in chief returned to his Government I retired to the Country & at that time amused my self by thinking of the Principles of vital action I am now in my 76 year & as I find that I cant continue a close application of thought without prejudice to my heal[th] I put my thoughts down as Queries to serve as hints to some others more capable of inquiring strictly into the Subject They are contained in about four sheets of writing which when I shall have time to review & to have them fair copied I shall send to you The administration of Government has again unexpectedly fallen into my hands by General Monckton's going to England which unavoidably diverts my thoughts from such subjects & least I be prevented from sending the copy I shall mention a few General Queries

[The physiological questions are omitted.]

If these Queries have any weight in them they may deserve your attention in reconsidering your book of Vital motion

Please to made my respectfull complements to Dr Porterfield & thank him heartily for the trouble he has taken in writing so long a letter Does not every man err every day Ingenious men therefor who have nothing but truth in view they cannot take it amiss to have their errors discovered & it must give them pleasure to have them corrected when it is don as the Doctor has without arrogance or contempt If I preserve my health & faculties of mind I purpose to put something in writing on the subject of his letter In the meantime I take the liberty to ask

[An addressed and dated copy of the above letter, in David Colden's handwriting, is found in one of Colden's note books. See CALENDAR, Vol. VII, p. 367.]

From Gov. John Penn

PHILADELPHIA 5th January 1764

Sir,

Our back Inhabitants, who have indeed suffered a great deal by the Indian War, have got it into their heads that one Indian should not be suffered to live among us: and have carried their Resentment so far, as to go and kill some Indians who had lived under the faith and protection of the Government for Sixty Years, in an Indian Town near Lancaster. Not content with this barbarous Outrage, they, in the open Day time, march'd into that Town, and there murdered fourteen more Indians, who were put in there by the Magistrates for their Security, and after perpetrating these horrid Violences, these lawless people have even threatened to come and kill a number of Indians, that I gave leave to sit down in an Island on Schuylkill, in the neighbourhood of this City

This might have been easily prevented, as there are Arms and Men enough, who would not have suffered such a monstrous Invasion of all Law and Order; but these

Indians, who are of a mild disposition, desired they might be permitted to go to Sir William Johnson's, from whence they could easily be sent to the Heads of the Susquehanna, where they have a good acquaintance.

On considering their request, it appeared to the Council that this would not only tend to the quieting the minds of the Indians, which were much disturbed at their Situation and long absence from their Families, who live on Susquehanna, but also be a means of having this matter communicated to The Six Nations, and to the several Tribes of friendly Indians, in the most favourable manner.

Satisfied of the advantages arising from this Measure, I have sent them, thro' Jersey and your Government, to Sir William Johnson; & desire you will favour them with your Protection & Countenance, and give them the proper passes for their Journey to Sir William's Seat.

I am recommended it in the most pressing Terms to the Assembly, to form a Bill that shall enable me to apprehend these seditious and barbarous Murderers, and to quell the like Insurrections for the future.

I am with great regard

Sir

Your most obedient and most hble Servant

The Hon^{ble} CADWALADER COLDEN Esq^r

JOHN PENN

[Indorsed]

Governor PENN's Letter

From Admiral Alexander Colvill

Sir

ROMNEY, HALIFAX 10 Janry 1764.

I was favoured with both your Letters, and am much obliged to you, for the Care you took of my Packets. These two Letters are about Business relating to the careening Yard at this Place and I wish to have them conveyed to England as soon as possible.

I am with great regard

Sir

Your most obedient and most humble Servant

The Honble Lieut. Governour COLDEN

COLVILL

From Gen. Thomas Gage

Sir,

NEW YORK Jan^{ry} 10th 1764.

I had the Honer to receive your Letter inclosing the Advice of the Council respecting the Indians sent from Philadelphia, late last Night. I have sent Orders to the officer Commanding the escort to return with them, unless he shall be far advanced towards this City. In that Case to halt, till I send some Companys of the Royal American Reg^t. to relieve Him. I expect the Americans here to Day, and they may escart the Savages back to Philadelphia, which will save Montgomery's Reg^t. a double March. I am with great Regard,

Sir,

Your most obedient, humble Servant,

HON^{ble} GOV^r COLDEN

THO^s GAGE

From Sir William Johnson

Dear Sir

JOHNSON HALL Jan^{ry} 12th 1764

A great Indisposition under which I have laboured for some Days, and from which I am not yet recovered, prevented my answering your Favour of the 28th Ult^o. sooner.

In my Letter of the 30th Ult^o. I gave you my Sentiments on the Reasons which induced the Indians to propose an Accomodation, as also concerning the Article of Amunition, representing that none received any but those on whose Confidence I might perfectly rely, and to whom a Refusal might prove of dangerous Consequence, and that even the Trifle of Amunition which these received was too little, and too much valued by them to part with. In my Letter of the 24th Ult^o. I acquainted you with the Occasion of my having been visited by the 5 Nations, accompanied by some Seneca Deputies.

Last Week arrived here several of the Senecas on the same Errand as before, whom I acquainted that I was

not as yet authorized to treat with them on Terms of Peace, they were followed by the five Nations amounting to near 300 who came to repeat their Offers of taking such Steps against our Enemies as I should direct, to which I have answered them in the best Manner I could. But these Senecas having come contrary to my Desire, and not being desirous to give any Satisfaction farther than a Promise of assisting us against the rest I have accordingly dismissed them untill I hear from General Gage. I however apprehended a White Man now amongst them, and who was formerly delivered up, but went back to the Indians, and has had the Treachery as I am informed to act against Us in the late Operations of our Enemies, particularly at Niagara Carrying Place. I shall therefore commit him to Jail.

The Generality of People have certainly great Reason to be irritated against the Indians and I am glad to find such a Spirit of Alertness as you express amongst them, tho' I fear they will not find it an easy Matter to punish those Who really deserve it, and the falling upon those yet our friends, and who are consequently not aware of any such Design would I apprehend be very imprudent as well as disagreeable to you, since it must inevitably involve us in a general Quarrel; the general Thirst for Revenge, so justly raised amongst our People may without proper Instructions direct itself to a wrong Quarter, as was lately the Case in Pensylvanias to Prevent which as well as to promote the Success of all the hearty Volunteers I must observe that the greatest Part of our Enemies are removed a great Way up the Cayouga or Tohiccon Branch of Susquehanna; Those of Wawiloosin (our friends) are gone chiefly to Philadelphia, and the rest are removed to Chughnot on the Susquehanna, so that our Enemies chiefly reside, from Tohiccon up that Branch viz^t Singsink, Passiguaghgung &ca. The Meeting with these our Enemies is very uncertain, as they have not made any long Residence at any Place since the Commencement of Hostilities, but the Indians of Kanestio, a Village between Chenussio and Fort Augusta who are

chiefly Renegadoes of profligate Fellows from several Nations, and who murdered the two Traders in Nov^r 1762 are very proper Objects of our Resentment and have been Principals in carrying on Hostilities.

I heartily wish that whatever party goes out may be able to strike such a Blow, as will give the Indians in general a good Opinion of our Abilities, but to give any hopes of Success in my Opinion it will be necessary that they should at least consist of 400 Men and those expert and well qualified for the Service acquainted with the Woods, and furnished with Snow Shoes, and all other necessary Articles. The distressing and annoying the Enemy during the Winter if well conducted must prove very usefull, I am now preparing some parties of Trusty Indians for that purpose of which I hope the General will approve.

As the Trade by Reason of the War hath been at an End for some time, I apprehend it will not be thought adviseable to grant any Passes Till Matters are better settled, whenever that may happen I am humbly of Opinion that you will judge necessary the Traders should give Security for their fair dealings, and also be permitted to trade at the principal Outposts only, as Fort Stanwix, Ontario, Niagara &c. At these Posts they will be in the most Security, and their Conduct can be best enquired into, which if justly blameable, and so represented by the Commanding Officer, they may forfeit their Recognizance, for the indulging them in a Liberty of trading in the Indians Country or at their Castles, will allways produce Complaints from the latter of Frauds and Extortion, as well as render the Traders liable to be murdered and their Effects seized on any future Quarrel which may happen.

With some Difficulty I have got Persons to accept of the Warrants for raising the 2 Companies for the Security of this Frontier, and I am just now informed they are allmost compleated with good Men. I shall accordingly have them mustered and report to you thereon.

As Lieut. Johnson who by His Majestys Proclama-

tion is entitled to a Grant of Land is desirous to know the Limits within which you consider the same may be granted, I must request the Favour of your informing me on that head, also your Directions concerning the Steps he is to take therein, and whether he is entitled to his Share as a Captain of Provincials in 1756 or is to abide by his Title as Lieut. of the Independ^t Companies

I am with very perfect Esteem

Dear Sir

Your most Obedient Humble Servant

W^m. JOHNSON

P.S. I have great Reason to apprehend that many mercenary Persons inhabiting along this River sell Amunition and other Articles to the Senecas. I could heartily wish you would interpose your Authority to prevent the like for the future.

The Hon^{ble} Lt Gov^r COLDEN
&c

From Gen. Thomas Gage

NEW YORK Jan^y 19th 1764.

Sir,

I have this Moment received a Letter from Governor Bernard, with his Assembly's Answer to his Speech, relative to my Requisition of Men. From something I have heard before concerning this Matter, I imagine that Assembly mean to say that in their wars they never received any assistance from the Neighbouring Provinces; and that the present Troubles do not affect them. As they never received assistance, they don't think themselves obliged to give any. I inclose you the Governor's Letter with the address for your Perusal; which you will please to return me. I am with great Regard,

Sir,

Your most obedient humble Serv^t.

The Hon^{ble} Lt Gov^r COLDEN
VOL. VI

THO^s. GAGE

From Sir William Johnson

JOHNSON HALL Jan^y 27th 1764

Dear Sir

I have received your favour of the 9th Ins^t and herewith transmit you the Muster Rolls of the Two Companies who are now at Schoharé & Cherry Valley, and consist of very good able Men. I have given y^e Capt^{ns} Instructions in writing regarding the security & defence of these Settlements.

I am much obliged to you for y^e freindly Sentiments you have expressed on my opinion, and I heartily wish that such parts as I apprehend were calculated for the public safety had been deemed worthy attention.

The Orders you have received from the Earl of Hallifax seem to me to have been calculated for raising Men with greater expedition than in y^e ordinary way of inlisting Provincials, but I conclude the Assembly have already taken their resolutions on that Head.

I am Just now parting with a large Number of Indians from whose behaviour I have reason to expect a happy result, I assure you it would scarcely be imagined how sanguine they are, and how desirous their Young Men appear to go against our Enemies. The *Chenussios* are a very proud People, and I dont expect much concessions from them, the delivering up of some of their Ring leaders which would be a reasonable demand will I apprehend hardly be agreed to. The French who were at the bottom of this affair deserve to have their conduct strictly enquired into, the Jesuits are a dangerous Society which I heartily wish may be abolished, their possessions in Canada would endow a Bishoprick, as well as make provision for Several protestant Missionaries, the utility of such a foundation appears to me very evident in that Country, where I think it would greatly promote the Interest of his Majesty, and soon encrease the Number of his Protestant Subjects.

Governour Penn has given me an Acc^t of the barbarous Murder of the Freindly Canestoga Indians & enclosed

his Proclamations in consequence thereof. That Massacre may prove of dangerous consequence, such as may be severely felt as well by the Murderers, as by many Innocent Inhabitants of Pensilvania &ca. It cannot but fill all the 5 freindly Nations (with whom they were connected) with the greatest resentment, and give them y^e worst impressions concerning our Faith and sincerity. I apprehend I shall find it a difficult task to satisfy them thereon, as well as to convince them that the Governments are greatly incensed thereat, and determined to bring the offenders to Justice.

I heartily wish the return of the 140 Indians may not expose them to further insults, if that should be the case it will be impossible to make up the breach wth our Freinds. So Soon as it may suit with your Conveniency, I shall be glad you will favour me with the Militia Commissions, agreeable to the return of officers which I transmitted for filling up the severall Vacancys in the Regiment. I am with verry high Esteem

Dear Sir

Your most obedient Humble Servant

The Hon^{ble} Lieut. Gov^r COLDEN.

W^m. JOHNSON

Alexander Garden to David Colden

CHARLESTOWN Feb^{ry} 1st 1764

Sir

Your favour of Jan^{ry} 26th 1763 was sent to me some time in November by M^r Douglass. I was then confined to my room & had been for many weeks, as soon as I was able to see Company I begged Mr Douglass to favour me with his & I found him perfectly answer the Character which you draw of him. You may depend on this that I will not omit any opportunity to shew Every service in my power to him or any person whose acquaintance you are so obliging as to offer me.

He has met with all imaginable Success in this place since their theatre was opened, which I think was the first Wednesday of December, since which time they have per-

formed thrice a week & Every night to a full nay a Crowded house. Hitherto they can't possibly have made less than £110 sterl^s ^{per} night at a medium for some nights they have made between 130 and 140 sterl^s in one night & I beleive never under 90 £ sterl^s & that only for one or two rainy Evenings. This will shew you how much the people here are given to gaiety, when you compare this place in number of Inhabitants to York which is at Least double if not treble in number to us. M^r Douglass has made a valuable acquisition in Miss Cheer who arrived here from London much about the time that M^r Douglass arrived with his company. Soon after that, she agreed to go on the stage where she has since appeared in some Chief Characters with great applause particularly Monincia in the Orphan & Juliet of Shakespear & Hermione of the Distresst Mother. Her fine person, her youth, her Voice, & Appearance &c conspire to make her appear with propriety—Such a one they much wanted as M^{rs} Douglass was their Chief actress before & who on that account had always too many Characters to appear in.

Thus much as regarding the state of our Theatre I am now to enquire after your welfare & that of all your Good Family. Inclosed I have put a Letter for your Father which I must beg you'll be so kind as to present to him with my most respectfull Compliments. This to you will be inclosed in one to your Brother who I hope is well with all his family. I can't help, while I write, to think of the happy & chearfull Days which I used to pass at York after being lucky enough to attain their acquaintance & now & then a fond wish of revisiting a place where I met with so many civilities steals upon my mind. If Ever it is my fortune to be on North of the Continent you may be sure that I will be so true a friend to my own happiness & pleasure as to lose not a day till I pay my Respects to you & your Friends.

My late indisposition & consequent confinement was so severe & tedious that it banished Every literary thought or pursuit from my head & since that time my strength has not permitted me to attend to anything be-

sides my attempts for a recovery; Neither have my European Correspondents communicated anything new for many months so that I cannot entertain you with anything in that way. As I'm in hopes that our correspondence for the future may be more regular than hitherto, I will not fail whenever occasion offers to inform you of any thing that I may come to the knowledge of either from Europe or America. This friendly intercourse of Literary intelligence will at Least help now & then to whet the spur of study & attention, which I am from dire experience, but too sensible of its aptitude to be sullied, tarnished & blunted by the moist, hot, sultry & dissolving atmosphere of our warm Climate. The kindly hand of nature has reared & tutored your Genius in a Climate more friendly to application & attention, while Every Sinew & Every nerve is braced with you & while you feel all the consequent life, vigour & Energy of Body & Mind, we on the Contrary living under a temperament in its own nature hot, dissolving, relaxing & unbending Every delicate fibre & fine spring of life & vigour, feel all that sluggish torpor & enervated feebleness of body & mind, which renders life a Burden & all our perceptions of the Dull & insipid kind.

Permit me now to conclude this Scrawl by offering my Compliments to all my Old enquiring friends if any such there be, for however their memory may misgive, yet a still Lively sense of the many civilities shewn me, holds its place first in my mind, and makes me often think of my York friends with great gratitude.

D^r Sir

Your most obed^t & Very hble Serv^t.

DAVID COLDEN Esq^r

ALEX^r GARDEN

From Alexander Garden

Sir

[Feb. 1, 1764]

Tho a long interval of time has passed since I had the pleasure of writing to or hearing from you, yet scarcely

one day passes in which I dont often recollect with pleasure the happy hours which I had the honour of spending with you, when I was first happy enough to acquire an acquaintance with your merit, neither is there a person who more heartily rejoices on every account which I receive of your health.

The station in Life which you now so deservedly occupy must give satisfaction to Every welwisher of the British interest & no doubt more particularly to those of the provence which his Gracious Majesty has intrusted to your care—The present period & Critical situation of affairs demand & call for an Experienced & steady pilot & while I can easily see the weight & intricacy of the various load of business which must necessarily fall rather heavy on you, yet tho at a distance I do most sincerely rejoice to be certain that it is in the hands of one well versed in Every Interest & view both of the various tribes & nations of Savages at variance with you & of that province over which you preside which must more immediately contend with them.

While others may think as I do, I must likewise believe that you yourself must have a conscious joy & pleasure in being so placed as that the exercise of your knowledge & Abilities must at the same time be most conspicuous to the world & most Eminently usefull & conducive to promote the Interest & welfare of that province where your name must descend with applause to late posterity.

Permit me then to offer my heartiest tho late congratulations on your being again called to the helm of Government & while I offer my congratulations on this Event, allow me likewise to express my wishes that your health & strength may be proportioned to the vigour & Extent of your Mind.

It is with no small share of pleasure that I harbour some distant hopes of again paying my respects in person to you even tho the occasion has not been very agreeable to myself. A long & tedious fit of Illness has greatly impaired my constitution during our last autumnal months

& tho I now daily gain strength & advance in recovery yet I'm uncertain whether I may be able to bear the heat of our approaching Summer, and on that account a visit to Great Britain or to the north of America, where I formerly met with Every civility & an encrease of health beyond my wishes or hopes, may be absolutely necessary. If it prove so, I beleive I shall readily determine; for the pleasure & happiness of being able to visit you now & then, when the more weighty affairs & concerns of your Station would allow you leisure to spend an hour with a private person would be the strongest & most powerfull inducement. I might then, once more have the happiness of drawing knowledge from your fountain & hearing you Expatiate on the amazing works of the Great Architect & Contriver of nature.

This will be delivered to you by your Son M^r Colden & with the greatest regard I have the honour to be

Sir

Your most Od^t & obliged hble Ser^t

ALEX^r. GARDEN

S. CAROLINA }
CHARLESTOWN } Feb^{ry} 1st 1764.
[Indorsed]
from D^r GARDEN

From Sir William Johnson

JOHNSON HALL Feb^{ry} 3^d 1764

Dear Sir

I have received your favour of the 23^d Ult^o. together with the Militia Commissions which I shall distribute accordingly.

Two or three days ago I received Information that *Lawrence Blasius* a german Taylor an Inhabitant of Canajoharee, has inveigled two young Indians of that Place to accompany him to England, these Indians being of George Klocks party one of them allways living at his house, there is great Reason to think that he is principally concerned in sending them on some of his customary Fraudulencies. The Canajoharees on hearing of their Depart-

ture sent to me, desiring their Journey should be stopped, as they were ignorant of the Cause of it, and justly apprehend they go on no good Design. I shall be glad you will please to take this into Consideration, and do therein what you may think necessary, as also favour me with your Sentiments about it.

I understand M^r Lydius is making great preparations, and furnishing himself with a Number of Claims &ca, to his large Tracts of Land, and that he will set out for England by the Way of Quebec early in the Spring, I thought it necessary to give you this Information, as it may in some Measure concern the Province to be Timely apprized thereof. He intends likewise to prove the just Title of the Connecticut People to the Susquehanna Lands.

I am oblinded to you for your friendly Declaration in behalf of M^r Johnson, he will accordingly get the necessary Certificate and Petition but before that can be done, I shall take it as a favour if you'll acquaint me, whether he may have his Share in one of the following Places, viz^t about the Landing at Tiyondarogo, about half Way Creek near Lake George, about Otter Creek Lake Champlain, Isle a la Motte or on the West Side of the Lake near Crown Point, otherwise about Putnams Landing between Tiyondarogo and the former, that he may prefer his Petition accordingly.

I am with y^e utmost Esteem & Respect

Dear Sir

Your most Obedient & most Humble Servant,

The Hon^{ble}

Lieut. Governour COLDEN.

W^m. JOHNSON

From Gen. Jeffery Amherst

PALL MALL [London, Eng.] 4th February 1764

Dear Sir

Captain Clarke has delivered me your very kind and obliging Letter of the 10th December; my passage was

very far from being agreeable, we had almost a continued and violent storm of wind, after a few days of fine weather that took us clear of the American Coast, and various distresses, of the Ship being leaky, losing our Mast, and being very much out in our reckoning, rendered our Voyage very disagreeable, which happily ended on the 24th December that we landed at Falmouth, and certainly did not lessen the pleasure and Satisfaction that every one must feel on setting their Feet on shore after a five weeks Voyage; The gracious Reception the King was pleased to honour me with on my Arrival here, made me very happy, and since that time to this I have been in a continued Hurry. I am told L^t Davis purposes to sail some time this week and as I am going out of Town for a few days, I would not omit seizing the occasion of Davis's departure to make you my sincere Acknowledgments for your remembrance of me, and to assure you, that should anything offer in this Country, wherein I can be of any Service to you, it will give me pleasure to have repeated opportunities of convincing you that I am with the most perfect Truth and Regard

Dear Sir

Your most Humble and most obedient Servant

JEFF. AMHERST

My Brother desires to
joyn me with his due
Compliments to Yourself
and Family. J.A.
Honorable Lt. Governor COLDEN.

John Watt's Receipt for Mr. Monckton

Rec^d 14th Feb^r 1764 of His hon. The Lieut. Governor
Two Hundred & Twenty five pounds for Gen^l. Moncktons
half of the Governments Salary from 1 Sept^r to 1 Dec^r
last being on Quarter

£225

JNO. WATTS

[Indorsed]

Mr WATTS Rec^t for ½ of 1 Quarters
Sallary for M^r MONCKTON

£225:0:0

From Gov. William Franklin

Sir

PERTH AMBOY [N. J.] Feb^{ry} 24, 1764

An Act being passed in this Province for raising a Number of Troops (not exceeding 600) for the King's Service, in Proportion to what the Colony of New York has raised, or may raise, I must desire the Favour of you to certify to me what Number you have now in the Pay of your Government. And if there should be any Addition made to your Troops during the Year, I must likewise request that you would be so good as to acquaint me with it from time to time as there may be Occasion. The Honourable John Stevens, Esq^r one of the Council of this Province, will present you this Letter, and I should be glad you would deliver to him the Certificate above mentioned.

I am, with the greatest Regard,

Sir,

Your most obedient humble Servant

W^m. FRANKLIN

The Honourable
Governor COLDEN

From Peter Collinson

RIDGE WAY HOUSE feby 25: 1764

I am Here Retired to my Sweet & Calm old Mansion, from its High Elevation, Look 40 or 50 Miles round Mee on the Busie Vain World below—Envyng No Man but am truly thankfull for the undeserved Blessings Good Providence hath pleased to conferr on Mee

With a Pious Mind filled with admiration I contemplate the Glorious Constellations above, and the Wonders in the Vegitable Tribes below—I have an Assemblage of Rare Plants from all quarters the Industrious collection of forty years—Some or other of them all the year round & all the Seasons through are delighting my Eyes, for in the Depth of our Winter, the plants from the Alps, Siberia

& the mountains of Asia exhibit their pretty flowers and anticipate the Spring—the Black Hellebore with its Large white Flowers—the acconite with its Golden Clusters, these show themselves before Xmas—for that reason the First is called the Xmas Rose—Primeroses & Polyanthus, Wall flowers & some Violets & Single anemonies flower all Winter, unless a snow happens to fall, which is seldome—it seems a Paradox (considering our Latitude) to tell Foreigners that Vegetation never ceases in England—

I am this Instant come in from Seeing your Skunk Weed (arum Betafol) its Early appearance & its singularly spotted flowers attracts the notice of Everyone it hath been now a month in flower—by this you may Guess the difference of Seasons with you & Us—

But this Winter (if it may be called so) is very different from all that has been remembered = Wee have had as Mild & Warm, but then, it hath been Dry, Suney & pleasant. Whereas This hath been continued (I may say daily) Rains, if a few frosty Mornings, certainly Rain at Night Moist & Warm but attended with Hurricane Winds & the air so beclouded it was rare to See the face of the Sun the consequences of Such Inclement Weather hath been more Shipwrecks & Inundations then ever was known in One Winter it is very affecting to read the very Deplorable accounts from Time to Time—The Loss of Sheep & Cattle drown'd, advances much the price of Provision, but Thank God from the plenty of Last year (tho' a bad Ha[r]vest) our Bread keep[s] under 12d a peck Loafe and Wee have been able to Supply vast Quantities to our Indigent Neighbours, I am assured Some Weeks 8 & 10 Thousand Quarters of wheat has been shipped off for France Portugal Spain & Italy, this Trade brings in Great Riches, being a Surplus that Wee can Spare without Prejudice to ourselves.

When I look back & consider the Poor state of Agriculture Here, in the last Century, it affords a pleasure I can't express to see our extensive Improvem^{ts} made in This Age. Then the City of London imported annually

Polish wheat from Dantzick (to the Enriching foreigners) to fill Our Graneries, for Our culture of wheat was so Spareing, that if a Crop failed, a Famine was like to Ensue, to prevent this Terrible Calamity the Citty prudently sold it out One year under another but the Dantzick Corn Trade hath been long left off—Instead of buying Wee annually Sell to Our Neighbours.

As often as I survey my Garden & Plantations it reminds Mee of my Absent Friends by their Living Donations—See there my Hon^{ble} Fr^d Gover^r Colden how thrifty they look—S^r I see nobody but Two fine Trees a Spruce & a Larch, thats True, but they are his representatives, but See close by how my Lord Northumberland aspires in that Curious Firr from Mount Ida, but Look Yonder at the Late Benevolent Duke of Richmond, His Everlasting Cedars of Lebanon, will Endure when you & I & He is forgot, see with what Vigor they Tower away how their Stems enlarge & their Branches extend—But pray what are those pines Nove[1]ties rarely Seen—that Elegant one with five Leaves is the Cembro Pine from Sibiria, the other Tall Tree is the very long Leaved Pine of 10 or 12 Inches from So. Carolina they Stand mementos of my Generous Fr^d the Late Duke of Argyle that Gentle Tree So like a Cypress looks uncommon, thats the Syrian Cedar the Seed was gave Mee by S^r Charles Wager first Lord of the Admiralty gather'd in the Isle of Iona, in his Voyage to convey Don Carlos (the Now K: Spain) to Naples.

But those Balm Gilead Firrs grow at a Surprising rate it is pleasant to See, but they renew a concern for my Dear Fr^d L^d Petre, they came young from his Nurserys, with all the species of Virginia Pines & Cedars—but that Firr that grows Near them is remarkable for its Blewish Green, that was a present from my Worthy Fr^d S^r Harry Trelawny, it is called the black Spruce He had it from Newfoundland, it grows delightfully regard but y^e Variety of Trees & Shrubs in this plantation as mountain Magnolia, Sarsifax Rhododendrons Calmias & Azaleas &c &c &c all are the Bounty of my Curious Botanic

Friend J: Bartram of Philadelphia and those pretty Fringe Trees, Halesias & Stuartia all Great Beauties I must thank my Fr^d Mr Clayton the Great Botanist of America. How Fragrant that Allspice, how Charming the Red flow^d Acacia Great Laurel Leafed Magnolia & Umbrella Magnolia & Loblolly Bay—these Charming Trees are the Glory of my Garden & the Trofies of that Friendship that Subsists between Mee & my very obligeing Friend I: Lambol Esq of South Carolina

Thus Gratitude prompts Mee to Celebrate the Memory of my Friends amongst whome you have long Claimed the Respect & Esteem of yours Sincerely

P. COLLINSON

Cadwallader Colden to Captain James Clinton

FORT GEORGE 25th February 1764

Sir

The information I have Receiv'd from you and others, confirms me in the Opinion that the 40 Men Posted as an Inner Guard, under your Command, are not of that use for the defence of the Country, that they may be if joind with the others in the Outer Posts. You are therefore to Remove those 40 Men and Officers, from their present Stations among the Inhabitants, and distribute them in the Line of Posts along the Minissink Road, in such manner as you shall Judge will best Answer the purposes of Protecting the Country and Defeating the Ennemy. The Season is now comeing on in which you must expect the Indians will attempt incursions upon the Country. A Vigorous Repulse to their first attack may be of singular Service to deter them afterwards; for which purpose the strictest Dissipline, and vigilant attention to the Service you are upon, are perticularly necessary I am

Your humble servant

CADWALLADER COLDEN

Captⁿ JAMES CLINTON

Commandant of the Two Companies of Guards on the frontiers of Ulster & Orange

From Sir William Johnson

JOHNSON HALL Febr^y 28th 1764

Dear Sir

I have Just received your favour of the 19th Inst^e as also a letter th Express from Gov^r Penn representing the late audacious & wicked attempts of the Rioters to murder the Indians under the protection of Philadelphia, as also his apprehensions concerning their future safety there, on w^h Acc^t he purposes sending them by land thro this Government, or else by Water from Amboy to Albany, the former may Subject them to too many insults and hazards, and as I am well satisfied that should these Indians or any of them fall a sacrafice after what has already happened, it will prove highly prejudicial to our Affairs, as well as dangerous to the publick security.

I cannot avoid recommending the proposal of transporting them by Water to Albany, after which I shall dispose of them amongst the Indians here till matters are accomodated, if this is Judged adviseable a line from you to Gov^r. Penn will enable him to take y^e necessary steps without loss of time.

Whenever anything farther transpires relative to Mr *Lyddius*, I shall let you know it. I am told that one of his Sons has been lately thro y^e Country & a Justice of the Peace one *Frie*e (who lives a little below Albany) to obtain Affidavits, for w^t purpose I know not, but probably in support of some of his Claims. *Isle La Motte* is supposed to be to the Southward of the 45th Degree of Lattitude, but perhaps on future observation it may appear in the *Quebec* Government, the Lands above the Great Falls on Otter Creek may be good, tho a good deal out of the way for a Small Tract. There is a small Peice of Land within about 3 Miles of Lake George on the Road leading from Fort Edward, Please to inform me whether it can be granted; but I find at the back of my Pattent here, and at ab^t 12 Miles from the River a Small peice w^h is an interval. I should be greatly oblidged to You, if you would grant it, on the Indians con-

senting thereto, Lieu^t Johnson will have a Certificate shortly from General Gage as you desire.

There are now Several Parties marched against the Enemy, one of them amount to about 200 Indians, many more are daily collecting to follow them. My whole time is occupied in Conferences, fitting out parties &ca The Indians will not be discouraged by the rigour of the Season. The parts I have sent them to, are the Forks & Branches of the Ohio, and Susquahana where many of our Enemies reside, & the Alacrity which our freind Ind^s manifest gives me great reason to hope I shall shortly have the pleasure of acquainting you that they have in a great measure destroyed & removed these dangerous Enemys who have infested the Neighbouring Frontiers.

I am

Sir

with the greatest Esteem

Your most Obedient Humble Servant

W^m. JOHNSON

P.S. One M^r Tice of Schenectady has been mentioned to me a verry proper Person for a provincial Company. I must beg leave to recommend him to y^r Notice should such be raised, as He has served as an officer several years.

The Hon^{ble}
Lieu^t Gov^r COLDEN

From Sir William Johnson

JOHNSON HALL March 16th 1764

Dear Sir

I have had the pleasure of your verry kind favour of the 9th Ins^t., and in addition to the Success of my first Party, I have the pleasure to acquaint you that another Party of only ten headed by Thomas King which I had lately sent out, met with a party of Nine Delawares who

were Singing their War Song against the English, on which they immediately killed & Scalped One & took three Prisoners who are now on their way here, this is but a small affair, but as it is the first who has been killed by our Indians it will prove of some consequence & I have reason to expect good news daily from the other Partys.

The first Prisoners taken arrived here yesterday, & this morning I sent down 14 Men of them to the care of Lieu^t Co^{ll}. Elliot at Albany, one of y^e stoutest remains wounded at Oghquagoe, & I was oblinded to give them People 5 Prisoners for their good behaviour others to the Oneidaes Tuscaroras Ondagaes & Mohawks & to detain four myself which I distributed amongst the most deserveing, to replace Persons deceased, for which purpose the rest were given agreeable to the Indian Custom.

The consternation our Enemys are in on Acc^{tt} of our Employing Indians against them is verry great, and will I hope soon be the means of bringing y^e disaffected to our Terms. Near 400 Senecas &ca are comeing here to make some proposals. As the *Oghquagoes* are verry apprehensive that their Familys may suffer by the Enemy in the absence of their Warriors, I thought it verry necessary at this time to comply with their request of a Guard, & accordingly sent them an officer & 30 Men from the Cherry Valley & Scohare Garrisons, with 6 of the Militia, and the General having given me the direction of the Provincials at the German Flatts I have ordered Oghquago to be reinforced by a Detachment of a Captⁿ. 2 Sub^s & 60 Men, & sent the like Number to *Canowaraghare* a Village of Oneida's whose men are all going out agst y^e Enemy, these Garrisons for the Ind^s. will not be required for above four or five Weeks, and will greatly forward the Service by the encouragement it will give the Indians.

I cannot but agree in opinion wth the Councils that the Wialoosings &ca might give bad impressions to the rest, but I was determined, & prepared to guard against that and hoped to be able to remove any unjust suspicions they might conceive, haveing (without vanity I may say) a greater Influence now over the many Nations

in our Alliance than ever. However, as General Gage informs me that he has proposed an Asylum for them in Burlington Barracks, I think it will answer verry well for the present.

Captⁿ Duncan of Schenectady has requested I would represent to you his request whether he may have his proportion of Land, He sold out of the 44th Regiment, but thinks he may claim some Title on Acc^{tt} of the Service he performed last year as will appear from Lieu^t Co^{ll} Campbels certificate.

I only mentioned that peice in favour of Captⁿ Johnson as it was an interval of no great consequence but as that cannot be done, shall request the favour of it on either the one Side or the other adjoining to the grants between *Fort Edward & Lake George*, if you will be kind enough to approve of this he will imediately send his Petition & the certificate he has procured.

One Lieu^t Hillyer has applied to me representing his haveing been a Lieu^t in y^e Yorkers for 6 Years, & begged I would recommend him to y^r remembrance for a Company in case any Troops are raised in addition to those in the Service.

I return you many thanks for acquainting the Ministry with the late affair by return of the Packquet as it is not in my power to write time enough being so hurried.

I am with the greatest sincerity & Esteem

Dear Sir

Your Most obedient Humble Servant

W^m. JOHNSON

The Honr^{ble}
Lieu^t Gov^r COLDEN

David Colden (?) to David Ogden

Sir

Some of the Proprietors of Minissink Pattent have brought Ejectments against three Persons holding Lands within Evans's Pattent which they claim: the controversy in these Cases will be the same as in the Suit determined

last Year between Clows and McNeal. My Brother M^r Woodall & some others are appointed by the Persons concern'd with the Defendants to Act for them—and M^r Woodall when lately in this Place desired me to inform you that they intend to Employ you as Council in the Suits now depending, & hope it will be agreeable to you to go to Kingston on the Tryal. Mess^{rs} Livingston, Duane, Kemp and Wickham are Employed for the Defendants, and are preparing a Brief, a Copy of which will be sent you, or carried by the Person who will wait upon you from the Defendants. I am

Sir

FORT GEORGE 4th April 1764

DAVID OGDEN Esq^r

[Indorsed]

Draft of letter to M^r OGDEN

From Sir William Johnson

JOHNSON HALL April 6th 1764

Dear Sir

I have been favoured with your verry freindly Letter of the 26th Ult^o., and I am sincerely oblided to you for the esteem you have shewn for me in y^e satisfaction you express at our late successes. I have the greatest reason to expect a good Account of the Partys now upon Service from their zeal & readiness. My Son set out with about 200 last Week, and a body of the same Number were gone before him.

Your observations concerning the Chenussios were verry reasonable, if they neglected to make proper concessions, but on the contrary I have the pleasure to acquaint you that they have agreed to the several Terms of which the general approved, they are to deliver up the 2 Murderers of Kanestio, all our People who are among them whether Prisoners, Deserters Negroes &ca. & cede to his Majesty all the Lands from Niagara to the Falls on both sides of the strait, with Several other necessary

points. They have even desired to be employed against the Shawanese & Delawares, and sent to call away all their People from amongst them, and are to leave three of their Cheif Men Hostages for the performance of the Several Articles of Peace, all which, plainly shews that they repent of their late conduct, & their desire to regain our Esteem.

The rest of the Confederacy are preparing to Accompany the Troops, whose Success will be greatly facilitated from the losses I daily expect to hear the Enemy have Sustained and which will free us from the Delawares & Shawanese the most inveterate Enemys w^h the Northern Colonies have hither to had to deal with.

I am to meet the Senecas, & Western Ind^s at Niagra the latter End of June, in order to Settle & ratify a general Peace with them, I have reason to expect the Twightivees will support the Shawanese &ca, but I hope this Alliance will enable me to bring them to reason.

I am much obliged to you for y^e desire You express to serve Cap^t Johnson, & am sorry you have been so much troubled on the Subject, as he is unacquainted with the parts of the Country back from the Hudsons River, & ignorant how far the same is pattented. I must once more submit it to you whether there is not vacant Lands at the back of *Scochticoke* or *Sanekaik* Pattents, or any of those on the East Side of Hudsons River. I think a grant was made last year not far from Saraghtoga to one M^r Campbel, an officer, perhaps this might be granted alongside of his, or at the back of it, or of some of the other Pattents in that quarter.

Now that I am on the Subject of Lands I must request your advice concerning the Tract given me by the Conajoharees in the year 1760, by which the Present Kings Instructions a stop was put to it at that time. I have laid aside all thoughts of Tracts for which I have the most fair Title from the Indians, and w^h few who had the same pretensions to them would have neglected, but it would be an Injustice to my Family to give up all my pretensions.

Altho this Tract is as a free gift from the Indians, yet I gave them above 1200 Dollars after Signing & delivering me the Deed which was done in the most public manner by all the Indians, of that Castle, who from thence forward consider it as my property. I am therefore desirous to take the same up agreeable to the last proclamation, as there can be no Objection to this at present, after it has passed the forms prescribed, which the Indians are always ready to comply with. I would take the liberty of proposing y^r Acceptance of ten thousand Acres therein, on remitting y^e Pattent Fees, the Land is verry fine, and capable of makeing good Settlements. I can therefore recommend it as well worth notice, and as I am resolved on Settling the Affair as soon as possible, & the readier make this proposal to You, as what I apprehend would answer the conveniency of both. You will please to favour me with your Answer hereon, as Lycences are now unnecessary, I Suppose it is sufficient to have a Meeting with the Ind^s previous to taking out the Pattent, for should the former steps be requisite, I should sooner take other measures for obtaining it than struggle with an opposition, but as I understand the Proclamation, Affairs of this Nature remain with each Governour & consequently can be soon Settled.

I am with all regard & Esteem

Dear Sir

Your most sincere Welwisher & verry Humble Servant

W^m. JOHNSON

The Hon^{ble} Lieut Gov^r COLDEN

From Earl of Halifax

St. JAMES'S [London, Eng.] April 12th 1764

Sir,

The Bearer, M^r Hasenclever, having collected a Number of Germans skill'd in the working of Iron Mines, and the Culture of Hemp and Flax, and being going to North America to prosecute Undertakings of those Sorts either

in New York or Virginia, I take Leave to recommend him to Your Favour & Protection, upon all Occasions in which such Support may be properly given to promote the Success of his Endeavours in Matters of so much National Importance.

I am informed he is a Gentleman of Reputation and considerable Property, and that he will be found deserving your attention and Encouragement.

I am with great Truth & Regard,

Sir,

Your most obedient humble Servant

DUNK HALIFAX

CADWALLADER COLDEN Esq^r }
Lieut Governor of New York {

[Indorsed]
from L^d Halifax

From Earl of Halifax

St. JAMES'S [London, Eng.] April 14th 1764.

Sir,

The King having thought proper, in Consequence of the Advice and Opinion of His Counsel learned in the Law to cause publick Notice to be given, in the London Gazette, to the Owners, Masters &c^a of Prizes taken and ransomed during the late War, that, unless they forthwith satisfy the Ransom Bills, for the Non Payment of which several of His Majesty's Subjects have been for a considerable Time, and still are detained in the Prisons of France, They shall be prosecuted for the same in His Majesty's Court of Admiralty: and it appearing, by Petitions which have been presented to me, that David Vanhorne, John Bogard Junior, and Richard Sharpe of New York were Owners of the Ship the Dove, taken on the 18th of January 1762, for the Ransom of which Vessel Henry Constant doth still remain a Prisoner at Bourdeaux, I herewith transmit to You a London Gazette, containing the said publick Notice, and am to signify to you His Majesty's Pleasure, that you do, accordingly, call upon the said Owners forthwith to cause the Ransom

of the said Ship the Dove (being 30,000 Livres Tournois) to be discharged, and in case of their Neglect or Refusal, that You cause Prosecution to be commenced against them for the same in His Majesty's Court of Admiralty, within your Government.

I am with great Truth & Regard,

Sir,

Your most obedient humble Servant

DUNK HALIFAX

Lieut Governor of New York

[Indorsed]

Earl of Halifax.

From Robert Charles

GOLDEN SQUARE LONDON

14th April 1764

Sir

I am to acknowledge the Honour of your Letter of the 10th of Feb^r. and to thank you for the Communication you are pleased to make to me of your Letter to the Lords Commiss^{rs} for Trade & Plantations, & of your Remarks on the disputed Boundaries with Massachusetts and New Hampshire, of which I will endeavour to make a proper Use for the Service of the Colony knowing that in these Points I can no where receive clearer & better Instruction. Your Letter to their Lordships will I hope rectify the mistaken Sentiments in two Reports touching the Massachusetts Boundary, owing I think to the undue Authority given to Colonel Nicholls Letter to the Duke of York in Novem^r 1665, whereon your Remarks are so just & strong.

The Memorial of the Merch^{ts} of N York, whereof I am informed a Copy was presented to you, Sir, in order to be transmitted to the Board of Trade, comes too late for this Session, which will end before Easter, & wherein an Act laying several Duties on the American Trade has been passed whereof I send herewith a Copy—Another Act will likewise be passed at the close of this Session to prevent for the future any Paper Bills of Credit being

made a legal Tender whereof when passed I shall transmitt a Copy. A state of the Paper Currency of the Colonies is likewise ordered to be prepared against the next Session of Parliament.

I have the Honour to be with great Regard

Sir

Your most humble & most obedient Servant

R. CHARLES

Hon^{ble} M^r COLDEN.

*Cadwallader Colden's Order to Enter a Nolle Prosequi in
Suit of the King Against Theophilact Bache*

TO HIS MAJESTY'S ATTORNEY GENERAL
FOR THE PROVINCE OF NEW YORK

WHEREAS Theophilact Bache of the City of New York Merchant with others did enter into Bond at the Custom House on the fourth Day of December in the Year of our Lord one thousand seven hundred and fifty seven for landing the Cargoe of the Ship Prussian Heroe at the Island of Jamaica and for producing a Certificate thereof within twelve Calendar months, for the Penalty of which Bond a Suit is now depending in the Supreme Court of Judicature for this Province as I am given to understand by the humble Petition of the said Theophilact Bache—In Consideration of which said Petition I do hereby require and authorize you forthwith to discontinue all Suits & Proceedings upon the same Bond and to enter Nolle prosequis upon the Rolls of the Causes or in the minutes of the said Court, and to take all such Measures as may be necessary to quiet the Parties from all Manner of Vexation by Reason of the Bond aforesaid GIVEN under my Hand and Seal at Arms at Fort George the Seventeenth Day of April Anno Domini 1764

CADWALLADER COLDEN

[Indorsed]

17th April 1764

The King

ag^t

THEOPHILACT BACHE

31st Oct^r 1765 Lieut Gov^r sealed Writ of Error

} orders to enter a
} Noli prosequi

From Sir William Johnson

JOHNSON HALL April 20th 1764

Dear Sir

I have the pleasure to acquaint you that on the 16th Ins^t. I received letters informing me that the 1st Ins^t Cap^t Montour with 140 Indians & Some White men Sett out from Oghquago, and on arriveing at the first of the Enemys Towns found the same abandoned which he burned, it consisting of 36 Houses built of squared Logs with good Chimneys, from thence He went to & [sic] burned another of 30 Houses, with 4 Villages, and then proceeded for *Kanestio* which he likewise destroyed, it consisted of 60 good Houses with 3 and 4 Fire places in each of them, here, & at the other Towns He found a large quantity of Indian Corn which he destroyed, as also a great number of Implements of Husbandry which they had taken from y^e Inhabitants with many new Saddles &ca. Several Horses Horned Cattle & Swine, the most of them in such a poor condition that He killed them all, but about a Dozen w^h they carried of with them. Haveing effected this Service, Partys were Sent after the Indians who had fled several days before and many others are gone in pursuit, who I have reason to hope will give a good account of them.

A Large Body of our Freind Indians are in readiness to Joyn the Few Troops who are to proceed this way whilst I shall endeavour to get another Body to Join the Troops from Fort Pitt, but as a peace is to take place with the Senecas & Western Indians, the Shawanese & Delawares will probably be reduced by the Indian Partys, as they will in all likelyhood retire to such places as will render it impracticable for the Troops to follow them.

I am with y^e most perfect Esteem

Dear Sir

Your most obedient & most Humble Servant

W^m. JOHNSON

P.S. Yesterday Cap^t. Montour
with some of his Party arrived here,

& brought with them the Scalp taken sometime ago by Tho^s. Kings Party. They say it is that of the Cheif Delawares Nephew, now our most active & inveterate Enemy, they also brought with them one Emanuel Hover of y^e *Raritans*, taken last Fall by the Delawares at Wioming.

I have yesterday Secured, & shall tomorrow Send to Albany, an Indian who has been here as a freind some time, but was at length by some of the Ind^s. found out to be a bad Man.

The Hon^{ble} Lieut Gov^r COLDEN

William Johnson to David Colden

BRUNSWICK 22^d April 1764

Dear Sir

I find by your papers that the Steeple of Trinity Church has been struck with Lightning. Was it furnish'd with a conducting rod? If it was, did the Lightning follow it the whole length or did it strike out in any part between the two extremes? Was any part of the rod melted and Where? Do you think that any circumstance in it makes against D^r Franklin's method of preserving Houses and other edifices from Lightning? If the rod was melted of what size was it, if possible to determine the thickness necessary for these rod? Can any part of it that shews the melting be procured? An answer to any or all of these questions either from good Authority or your own observations would be laying me under the greatest obligations possible. I am preparing an answer to your last papers & hope to strengthen my Arguments with some new observations. My best respects to the Governour your honoured Father. Pardon this piece of trouble and believe me to be with sincerest regard

Your obliged Friend & humble Serv^t.

WILLIAM JOHNSON

I shall be in Philad^a in a few days
[Indorsed]

D. P
1—8

N BRUNSWICK
To
M^r DAVID COLDEN
In
New York

From Sir William Johnson

JOHNSON HALL April 28th 1764

Dear Sir

I have the utmost pleasure in y^e verry freindly Expressions, and the satisfaction you have declared in your favour of the 15th Inst^t. concerning my endeavours for the public good, and I shall think myself always happy in maintaining your Freindship & good opinion.

I am now preparing to sett off a good party of Indians with proper officers, & a few Whites from these parts, who are to proceed in a day or two to Niagra in order to secure the Carrying place there, & prevent the Enemys burning the Vessels now on the Stocks, which has been (as it is reported) threatened by them. A Report prevails that the Western Nations about Detroit notwithstanding their declarations to Major Gladwin are collecting to the Number of 2000 with designs agst that & Niagra carrying place, but I am hopefull that the Belts I lately sent to these Nations, and the Speedy appearance of the Army with a good Body of Indians I shall procure to accompany them will check any Attempts which may be intended against the English.

I am obliged to you for your designed favour to Captⁿ. Johnson, and I herewith enclose you his Petition, with a Certificate from the General. As his Services are at this Juncture much wanted here as my Deputy, I flatter myself you will be kind enough to dispense with his personal attendance.

I have a Just sense of your Freindship towards me concerning the Tract of Land w^h I am desirous to procure a Pattent for, and I shall within a little time be able to

write to your Son for the Deputation of a Surveyor to run the Lines. It will give me infinite Satisfaction to see you at this place, and I hope a Journey hither may in some measure contribute to your Health & amusement as well as prove an agreeable relaxation after your close attendance & business at New York. I daresay the Affair will not meet with much opposition, according to either of the Plans you propose, & therefore I shall loose no time therein, after the present hurry is over in the meantime it shall be kept with the utmost privacy by me. I am with y^e greatest Sincerity & regard

Dear Sir

Your most obedient & most Humble Servant

W^m JOHNSON

P.S. The Inhabitants of Cherry Valley who are apprehensive that some Sculking Enemy may take advantage of the absence of the Oghquagoes, & fall upon Cherry Valley have represented their ardent desire to have the Company raised for its defence, continued there a Couple of Months longer.

The Hon^{ble}
Lieut^t Governour COLDEN

From Charles Ward Apthorp

Sir,

A fortnight is now pass'd since I waited upon you with a Copy of the Mandamus by which His Majesty has honor'd me with a right to a Seat in His Council for this Province, without my receiving any notice from you whether you thought fit to shew that regard to it that is generally esteem'd due to the King's command; I am therefore under the necessity of applying to you again, either for admittance to that Honourable Board, or for a return of the Mandamus, as I think my charecter & reputation so much affected by the doubt you have shewn

of the authenticity of it, that I can not in justice to myself avoid making a proper application in England for an Explanation of the matter & I hope you will not deny me your reasons in writing for the refusal you have been pleas'd to give me, as they may prevent any misrepresentation on my part.

Beleive me Sir, I do not desire admittance to the Council as a favor; but as His Majesty has been graciously pleas'd to confer that Honor upon me, I think I have a right to demand it; which I hereby do, on the Authority already shewn you by

Your very hum Serv^t

CH W. APTHORP

BLOOMANDALE May 1 1764

To

Honble CADWALLADER COLDEN Esq

David Colden to William Johnson
[Copy]

FORT GEORGE 7 May 1764

Dear Sir

I with pleasure Answer your's of the 22^d Ult^o which every opportunity of giving you satisfaction will afford The Steeple of Trinity Church is furnished with a Conducting Rod, not less than half an Inch Square—the Point above the Weather Cock is very Long & Gilt, I beleive the whole is well executed unless it be the joinings of the parts of the Rod, at each of which there is a large knob of Iron. The Point of the Rod is not melted or any alteration made in it, that we can decern from the ground, nor is the Conducting Rod broken in any part The Lightning struck into One of the Urns, of which there are four upon the Corners of the Square Column of the Steeple, above which the Conical Spire rises more than a Third of the whole highth—the stroke broke off some pieces of wood from the foot of the Urn, but no effects nor its path cannot be traced lower down, which shews it

must have been a weak stroke—Some Gentlemen who live near the Church took notice that the Clouds were remarkably low, & had observed to each other that they appeared considerably lower than the top of the Steeple, just before it was struck. One family were so much allarm'd by the nearness of the clouds & a little Thunder, that they ordered the fires in the House to be put out, for fear of accidents, before the Steeple was struck. Considering the situation of the Urn, which I beleive is 50 or 60 feet below the top of the Spire, & not more than 15 feet distant from the Center of the Base of the Spire it appears extreamly improbable that the Cloud, from whence the Stroke issued, was above the top of the Spire, and from the remark of the Gentlemen who noticed the Clouds [there] is great reason to beleive the Cloud was really below the Point of the Conductor. And if so, this Instance will not in any degree invalidate Dr Franklin's method of Preserving Houses from Lightning, but shews that in such high Edifices a Point & Conductor may be necessary at some place below the extream highth.

I have for some years past made a remark that much more damage is done by Thunder in the Winter Season, & before the warm Weather comes on, than in the Summer—in short I think we rarely have, even commonly hard Thunder, in cold Weather without finding some place struck by it. Have you made any such observation? May it not arise from the Frost & dry weather, rendering the Trees, timbers &c &c even the Earth, less fit for conducting & dispersing the Lightning, than they are in the Warm moist Seasons.

I long for your answer to my last papers, that, & every time you favour me by hearing from you, and communicating your Entertaining & usefull observations will greatly oblige

Y^r affect Humble Servt,
D. C.

*From the Board of Trade*WHITEHALL May 11th 1764.

Sir,

We send you herewith a Copy of an Address from the House of Commons to His Majesty of the 5th of the last Month, and desire you will forthwith prepare and transmit to us as soon as possible the Account therein required, that the same may be laid before that House the next meeting of Parliament. So we bid you heartily farewell, and are

Your very loving Friends and humble Servants,

HILLSBOROUGH
SOAME JENYNS
E^d: BACON
ED: ELIOT
GEO: RICE
ORWELL
J. DYSON
BAMBER GASCOYNE

CADWALLADER COLDEN Esq^r

Address from the House of Commons to the King
[Copy]

HOUSE OF COMMONS,
5th April 1764.

Resolved,

That an humble address be presented to His Majesty, that he will be graciously pleased to give directions to the Commissioners of Trade & Plantations, to prepare, in order to be laid before this House, the next Session of Parliament an account of the Tender and Amount of the Bills of Credit, which have been created and issued in the several British Colonies and Plantations in America, as well those under Proprietors and Charters as under His Majesty's immediate Commission and Government, since January 1749; distinguishing the Amount of the

same in each Colony and Plantation, and the respective times when such Bills were issued, with the Amount of the said Bills in Money of Great Britain, both at the time when such Bills were issued, and at the time of preparing the said Account, and also the times fixed for the calling in, sinking and discharging such Bills, and the Funds appropriated for that purpose.

[Indorsed]

Lords of Trade

May 11th 1764

1764 July 10. Read in Council

From Earl of Halifax

S^t JAMES'S 12th May 1764

Sir,

I have received, and laid before the King, your several Letters, the last of which is of the 10th of March, and I have the Pleasure to acquaint you that His Majesty approves Your Zeal and Attention in suggesting whatever you think may be conducive to His Service with respect to the Conduct of the Indian War, or the Means of establishing a safe and lasting Peace: And it is hoped that you have communicated, and will continue to communicate, your Thoughts upon Indian Affairs, in which you have so much Knowledge, and Experience, to General Gage and Sir William Johnston.

It were much to be wished that the several Colonies, whose Assistance was required, had chearfully exerted themselves to raise the full Numbers of Men demanded of them by His Majesty's Commander in Chief in order to put a speedy End to the Indian War. His Majesty observes, however, with Satisfaction that amidst the general Backwardness which has prevailed in the neighbouring Provinces, the Assembly of New York has distinguished itself, by enabling you to raise 500. Men for the general Service, and 300. for the Protection of the Western Frontier.

The Difficulties which you labour under from the

Want of Strength in the hands of Government, to secure His Majesty's Rights, and inforce the Laws of Trade, arising from the various Causes which you mention, deserve, as You justly observe, the attention of His Majesty's Ministers. And as the Relief which you propose is for the present, to arise out of His Majesty's Quit Rents, the Management and application of which belong to the Department of His Majesty's Treasury, I lost no Time in communicating your Letter to the First Lord of that Board, who, I doubt not, will duly consider the Importance of the Evils which you represent and the Expediency of the Remedies which you propose.

I have also transmitted to the Lords Commissioners of His Majesty's Treasury a Copy of your Letter of the 8th of March, concerning the Seizure of a Ship and Cargo by the Sardaigne, and the Claim of Captain Hawker to one Half of the Forfeiture.

I am with great Truth and Regard,

Sir,

Your most obedient humble Servant

DUNK HALIFAX

CADWALLADER COLDEN, Esq^r Lieut Gov^r of New York

[Indorsed]

Earl of Halifax

From Gen. Thomas Gage

NEW YORK May 19th 1764

Sir

I take the earliest opportunity in my power to inform you, that the Gentlemen who arrived in a Vessell yesterday evening, from Mobile have brought me dispatches from the Officer Commanding the 22^d Reg^t by which I understand We proceeded up the Mississippi, with that Corps, destined to take possession of the Illinois, but in the course of Twenty two days, had not reached above Seventy five Leagues, on account of a violent current that sett's down that River, that on the Twenty Second Day the Boats that led, were fired upon, & some Men killed

& wounded, that finding both sides of the River lined with Indians, tho' they did not show themselves, & that from the over flowing of the River, which had laid under water, all the borders, it became impracticable to Land the troops. In this emergency it was thought best to decline the Undertaking for the present, till we should be able to conciliate the Affections of these Savages; and the Regiment are since returned to New Orleans, and some part come down to Pensacola.

My last advices from Sir W^m Johnson, mention that the Senecas on the Susquehanna being greatly distressed for provisions &ca, have sued to him in the humblest manner for peace.

I am Sir with great regard

Your most obedient Humble Servant

THOS. GAGE

Hon^{ble} Gover^r COLDEN.

From Gen. Thomas Gage

NEW YORK June 5th 1764

Sir,

I am sorry we could not have a meeting yesterday to celebrate His Majesty's Birth-Day together, which would have given me very great Pleasure.

The Trade with the Savages should certainly be restrained till Peace is concluded with them: and if Peace does take Place, immediate notice should be given to all the Colonys. I am still uncertain as to the real Designs of the Detroit Indians the next Letters from thence will probably clear up affairs in that Quarters. The Delawares & Shawnese stand out stoutly, they have got on the Muskingham & Scioto, and make no overtures. They have certainly got Supplys from the Illinois, & perhaps the Detroit Indians too, whether in great abundance or not, I can't say.

The inclosed came this Morning by the Packet, in my Dispatches from S^r Jeffery Amherst. I hear nothing new

by this Mail. The Parliament was to break up on the 12th of April. There is a Reinforcement going to India, and it's said L^d Clive goes again to Command the Company's Forces. I am with great Regard,

Sir

Your most obedient humble Servant

THOS. GAGE

Hon^{ble} Lt Gov^r COLDEN

*Instructions to Gov. Robert Monckton, relative to Fees
of Public Officers*

GEORGE R.

ADDITIONAL INSTRUCTION to Our Trusty and Wellbeloved Robert Monckton Esq^r Our Captain General and Governor in Chief of Our Province of NEW YORK, and the Territories depending thereon in AMERICA. GIVEN at Our Court at St James's the Sixth day of June 1764, in the fourth year of OUR REIGN.

WHEREAS frequent Complaints have been heretofore made, that exorbitant Fees have been demanded and taken in the public Offices in several of Our Colonies and Plantations in America for business transacted in such Offices; and whereas it hath been represented unto us, that there is great reason to apprehend, that such unwarrantable demands and exactions are still continued in some of Our Colonies, particularly on the Survey and passing patents for Lands; and whereas such shameful and illegal practices do not only dishonor Our Service, but do also operate to the prejudice of the public Interests by obstructing the speedy settlement of Our Colonies; IT IS THEREFORE OUR WILL AND PLEASURE, and You are hereby strictly enjoined and required forthwith, upon receiving these Our Instructions to You, to cause fair Tables of all Fees legally established within the Province under Your Government, to be affixed up in every public Office within Your said Government, and

also to publish a proclamation in Our name, under the Seal of Our said Province, setting forth the Complaints and Representations, which have been made to us in respect to the exorbitant Fees demanded & taken in the public Offices of several of Our Colonies, expressing Our just Indignation at such unwarrantable and dishonorable Practices, and strictly enjoining and requiring all public Officers whatever in their respective Stations not to demand or receive any other Fees for public business transacted in their offices, than what have been established by proper authority, upon pain of being removed from their said Offices, and prosecuted with the utmost Severity of the Law; And it is OUR FURTHER WILL & PLEASURE, that you do also forthwith transmit to Our Commissioners for Trade and Plantations, in order to be laid before us, an exact & authentick List or Table of all Fees allowed to, or taken by each Officer respectively within the Province under Your Government, specifying by what authority the Fees allowed to or taken by each Officer are established, and distinguishing such, if any, as are taken without any such authority.

G. R.

R. MONCKTON Governor
of New York

[Indorsed]

Additional Instruction—
relative to Fees of publick Officer
7 August 1764—Read in Council

From Lord Hillsborough

HANOVER SQUARE, June 8th 1764

Sir

The King has been pleased to Grant 20,000 acres of Land to Major Skeene in such part of the Province of New York as he shall chuse; which are the words usually inserted in Grants recommended by our Board, but I am desired by the Board to inform you that it is their wish & intention that this Grant should be made to him in

that part where he has already begun to settle, & we therefore hope you will not in the mean time make any Grant of those Lands so as to interfere with this intention

I am sir

Your most Humble & Obedient Servant

HILLSBOROUGH

[Indorsed]

Letter from Lord Hillsborough

1764 Aug. 7. Read in Council

From Earl of Halifax

St JAMES'S June 9th 1764

Sir,

The Lords Commissioners of His Majesty's Treasury, upon Consideration of your Letter of the 8th of March last, concerning the Doubts which had arisen in New York in relation to the Distribution of Seizures made by His Majesty's Ships & Vessels, have informed me that if there was formerly any Doubt upon that Point, it is now removed by a Clause in an Act pass'd in the last Session of Parliament; I, therefore, inclose to you a Copy of that Clause, for your future Directions in all Cases of the like Nature.

I am with great Truth and Regard

Sir,

Your most obedient humble Servant

DUNK HALIFAX

CADWALLADER COLDEN Esq^r Lieu^t Gov^r of New York.

[Indorsed]

from L^d HALIFAX

From Sir William Johnson

JOHNSON HALL June 9th 1764

Dear Sir

I have been favoured with your kind letter of the 25th Ult^o. and as I am in five or Six Days to set out for Niagra

the Subject of the former letters must be deferred till my return which will be about the end of July or the middle of August.

With regard to trade I should think that nothing can have a better effect on the Indians then the prohibition of it for some time, which will make their wants the greater, & consequently point out to them y^e inconvenience & loss they sustain by a War with us, which they have not as yet sufficiently felt, at the same time it will be expected by all the Nations who make Peace that Trade be opened as usual and I shall promise them it on my return Home.

To prevent the Frauds committed in Trade, and Secure the Traders Lives & Propertys I would recommend that all Trade be prohibited in the distant Indian Towns, or att the Small Posts and Permits only granted for Detroit, Niagra, and Oswego. Michilimackinac is a good place for Furrs, but is not yet reestablished, but as for the other little Posts S^t Joseph, Miamis &ca scituate a great way up Rivers, and Surrounded by numerous Tribes of Indians, even should they be reoccupied, I cannot think them any way safe, unless we entirely adopt the French Maxim of purchasing y^e Indians favour, and I am convinced that those Posts cannot be maintained even with 10 times the Numbers of the late Garrisons, unless the Ind^s are perfectly contented & approve of them, w^h they never will do, but on the terms I have mentioned so that the Traders at the Small Posts, or in the Indian Country are liable to be murdered & plundered, whenever a few Ill natured or dissafected Indians are disposed to quarrel, tempted by the sight of the goods or Irritated at the Frauds so often committed, I know the Traders are desirous to run any risque from the great gains in that part where they cannot be duely controuled, but I think they should not be permitted to go where they please as the Indians think nothing of comeing to the Posts I have mentioned, besides whenever a few Indians are Tempted to commit Robbery or Murder they expect no forgiveness and it commonly happens that a whole

Nation will engage in the Quarrel, and induce theirs to take their parts and this requires but little persuasion from the prospect of so much plunder as may be found amongst the Trading People. If the Trade is carried on at y^e principal Posts before mentioned, the Persons & Propertys of the Traders will be much more secure. The Trades will be more cautious of committing Frauds under the Eye of a Commanding Officer of some Rank & the objects of temptation, which so strongly excite many of the Indians, will be in a great degree out of their power.

The Traders should be strictly restrained from holding any Meetings, or sending Belts to any Indians, this some of them have done to invite Indians to them, and have invented Storys and mentioned the names of Persons in power the better to obtain their Ends. Neither will many of them Scruple to tell the Indians things of a dangerous tendency whenever they find it necessary to expedite y^e Sale, or encrease the prices of their goods, this, tho serviceable to a few individuals, is of a dangerous tendency to the public, & therefore all that kind of intercourse between Traders & Indians should I think be strictly prohibitted, as well as all abuses in Trade on pain of being banished from the Posts, forfeiting their Recognizance & not permitted to trade hereafter, the former part may be executed by the officer who can transmit the Traders name, & the nature of his offence, so as he may suffer accordingly & be debarred all future Trade. The Recognizance Should I think be proportioned to the Number of Boats, so as Each Trader may suffer according to His Circumstances & the extent of his Trade. I settled the Profits in 1761, at 50 th C^t at Oswego, 70 at Niagra, 100 at Detroit & so on which I then thought verry moderate, and I beleive something Correspondent thereto, and the other Matters regulated on the footing before mentioned will be a great means of preventing abuses; and secureing the Peace of the Frontiers. I heartily wish this, or some such plan may be adopted by the Neighbouring Governors, for without their concurrence the Trade can never be secured from Risque &

Fraud. I think Fort Pitt is the best & only place for the Trade of Pensylvania. Permits as formerly to the Indian Towns rendering the Trade liable to all the dangers I have mentioned.

If anything Material occurs on my Way to Niagra I shall let you know it, being with great sincerity

Dear Sir

Your most Sincere Welwisher & verry Humble Servant

The Hon^{ble}
Lieut Gov^r COLDEN

W^m. JOHNSON

From Gen. Thomas Gage

NEW YORK June 12th 1764

Sir,

The Accounts I have received of the Limits reserved for His Majesty's Use round the Forts on Lake Champlain, are as follows, viz^t. The Limits of Crown Point determined on one side by the Block Houses and Fence, on the other Sides by 2000 yards, from the Salliant Angles of the Bastions. Ticonderoga bounded by 1500 yards from the Works. The two Block-Houses at the Saw Mill and the Landing, by 200 yards round them. As I understand the Lands on Lake Champlain are now on the Point of being granted; I beg Leave to remark the necessity there will be to reserve to His Majesty in the Grants, the Right of Cutting Fire-wood for the use of his Garrisons, as also Timber requisite for repairs or rebuilding his Forts as well as for Building vessels and Boats.

The last rec^d from the Northward contained nothing material; every thing was in motion, and some Indians of Caghnawaga were arrived from Canada. A good deal of Desertion amongst the Provincials. The savages continue their Incursions on Pensylvania, some People killed on the Juniatta. The 2^d Ins^t a man killed, his wife & four small Children carried off. On the 5th Ins^t Three famillys were cutt off and their Habitations burned about four Miles from Fort Loudoun. The Inhabitants are re-

tiring in Crowds to that and the other Posts. I am with great Regard.

Sir,

Your most obedient humble Servant,
THO^s GAGE

From Gen. Thomas Gage

NEW YORK June 20th 1764

Sir,

I thank you for your Faver of the 14th Ins^t from Spring hill, which has set me right in respect to the Grants of Lands, and Conditions of those Grants to the reduced officers.

Some Acadians came to me a few Days ago desiring a Pass for Cape Francois, or any of the French Islands. Upon my questioning them, they told me they had been with you and that they been directed to the Mayor, who had sent them to me. I judge from thence, that the Mayor looked upon them as Prisoners of War. Letters have been conveyed to these People with some Promises from the Duke de Nivern [torn] and I believe that Emissaries have been sent into most of the Provinces to collect them, and send them to the French Islands. The French man whom I sent down in the Winter to the Fort, to be examined by you, I suspect to have been one of these Emissaries. He went from York very soon after He found Himself suspected to be employed on that Errand. The above Acadians brought the Master of a Vessel with them, with whom they had agreed for their Passage. I told the Master on no Acc^t to transport them, but referred Him to you for Directions on this Head. But I have found upon Enquiry, that a Number of these People have been transported, particularly in a Sloop called the *Two Brothers*. John I. Bogart cleared the 9th of June for Dominico. It's said that said Bogart was left behind after the Vessel was cleared, and that one W^m Preston carried her out.

Some of the Messessagoes have come into Niagara to make their Peace. They made a speech to some of our Indians who returned them a spirited answer. But our Indians were almost all Mohocks, and a very few Senecas. There has been a good deal of mischief done in Pennsylvania and Virginia. Fort Dinwiddie attacked for Six Hours. Tho the Savages did not prevail against the Fort, They have shewn us that they did not want Ammunition.

I hope you continue to enjoy your Health and that I shall find some opportunity to pay my Respects to you at Sprin[g]hill. I am with great Regard

Sir, Your most obedient humble Servant,

Hon^{ble} Lt Gov^r COLDEN.

THO^s GAGE

From Goldsbrow Banyar

Sir

Your Letter of the 23^d was not delivered me till last Evening: this Morning I shewed the Copy of the Governor of Martinico's Letter to M^r Chief Justice; to M^r Watts, to M^r De Lancey and to M^r Reade, all the Gentlemen of the Council in Town. They were unanimously of the opinion not to advise a Compliance with the French Governor's request. They look on the Acadians as British Subjects, and that the Parting with so many Hands would be highly Impolitick. M^r Watts was of opinion the application ought to have been made at Home. M^r DeLancey said, Monsieur Belair ought to be ordered away immediately. M^r Chief Justice and M^r Read were desirous he should be prevented if possible from going among these People to incite them to a Desire of leaving the Country.

As your honour desires my opinion I shall venture to give it. I have not the Treaty of Utrecht by me, but believe these people are by that Treaty deem'd British Subjects. Had they been look'd on as French Subjects, the late Treaty would have secured to them the same Liberty of *removing with their Effects &c* as it has done to those of Canada. Your honour has that Treaty. I

have just perused it and did not observe any such Stipulation in Behalf of the Acadians. Had this been the Case Monsieur Fenelon, would not have relyed solely on the King's Commands to him, and your Justice and Charity—but had founded his Request on what would have carried the appearance of Right. Surely the Country of Acadia, cannot be considered as a part of Canada: and that we are to derive our Right to that Country, by the Cession made to us in the late Treaty. The Treaty of Utrecht will throw Light on this Matter—If it is not a Demand to which they are entitled in Justice. In Policy I am humbly of Opinion it ought to be refused—For tho perhaps they are not so highly useful to us as the same Number of other People, yet they are certainly of some Use, and would probably be more Beneficial to the French. I am with very great Respect

S^r

Your Honours most obed. & most humble
Serv.

GW BANYAR

NEW YORK 26 June 1764

Monsieur Bellair said when he left me, he would bring a List according to your Directions; on Friday or Saturday so it may be expected he is already employed in the Work—Your Honour only, can order him to desist, if you should determine finally, to reject his application.
Honorable Governor COLDEN.

From Gen. Thomas Gage

NEW YORK June 28th 1764

Sir,

I was yesterday honoured with your Favor of the 25th. In Respect of the Acadians, I was informed some Time ago from Halifax, that Orders had been transmitted to Gov^r Wilmot concerning them; but I never heard what those orders were. I have lately received letters from thence in which Mention is likewise made of the Acadians; and I understand, that they are not permitted to emigrate from thence. The old People will certainly never

become good Subjects, tho' their Posterity may. But if all Hopes were taken away of being permitted to go to the French; the most determined of them might possibly get off by stealth; but the greatest number would probably disperse in the Country, and turn industrious to maintain themselves and Familys.

That the Acadians are the antient subjects of Great Britain, there is no Doubt, and it is plain that the Sieur Nadeau from his Knowledge of those who are inclined to go, and of those who will remain, has been tampering with them. If an English man should do a Thing of the same Nature in any of the French Colonies, He would pass his Time very ill. I suppose this Gentleman's Errand to Canada, is to entice the Canadians to emigrate; who have a Right so to do, before the Term fixed by the Capitulation is expired. The French are using every Method to People their Islands, and were in Hopes of very great Numbers of Canadians. Finding so few of those People willing to leave their Country, they complained to our Court, that we had raised the Price of Transportation very high in order that the Canadians might not be able to find Money sufficient; to pay for their Passage out of the Country. And desired Liberty to send a certain Number of ships for them. This was rejected and the French Minister told, that such a Proposal would never be admitted.

I have communicated to you, every thing which has come to my knowledge relative to the Subject of emigration since the Peace and am with great Regard, Sir,

Your most obedient humble Servant

Hon^{ble} Lt Gov^r COLDEN
[Indorsed]
Gen^l GAGE

THO^s GAGE

From Gen. Jeffery Amherst

Dear Sir

WHITEHALL 3^d July 1764

I am indebted to you my Acknowledgements for the favour of a Letter since I last wrote to you, and as Major

Skeene is setting out for New York tho' my Post Chaise is waiting for me at the door, I can't let the Major take his leave of me without assuring you that I shall most readily say and do everything I can towards fixing your Establishment to your wishes. the Major desires me to recommend him to your Protection, which I think is unnecessary, from the knowledge you already have of his merit. The publick occurrences of this Capital, you will be better informed of by Majer Skeene than by any thing I can write. My Compliments wait on your Sons and Family, I am with great truth and Regard

Dear Sir

Your most obedient Humble Servant

JEFF: AMHERST

The Hon^{ble} Lt Governor COLDEN

From Samuel Bard

Sir

In a Letter which I lately received from my Father, he informed me, you was so kind as to desire I would write to you, & acquaint you what Progress I had made in my studies, & under what Masters I have studied. A Request which I most chearfully obey, & consider as a fresh mark of that Freindship, & of that distinguished Notice with which you have always honoured me; & of which I shall ever retain a most gratefull Remembrance. It is now near three years since I left New York, the first of which was entirely lost to me, as I was obliged to spend the best part of it in an Enemy's Country. nor was my time the only Loss I then met with, what I much more regreted, was a few Books I had in my Possession, as tokens of your Freindship & Esteem; & which neither prayers nor entreaty's could preserve from the hands of my greedy Captors. part of the next summer I spent in London, where I attended midwifery under Doct^r M^c-Kensey, and S^t Thomasses Hospital as a Pupil of Doct^r Russels. But I can hardly say I properly began my study's, untill I arrived at this University, where I have

now been for near two years. The first Winter I employed in attending the Classes of Anatomy under D^r Monro. Chemistry under D^r Cullen, & Natural Philosophy under M^r Fergurson. the succeeding Summer was chiefly employed in the study of Botany, when I first found how much I was obliged to you for the Instructions you gave in the Principals of that science. last Winter I attended for a second time the Lectures on anatomy & chemistry, to which I added D^r Whytes Class of Physiology & Pathology & D^r Hope on the Materia Medica; this Summer I have applyed tho' not very closely to Botany; & next Winter I intend attending again, the anatomical & physiological Classes, but my cheif study will be the Practise of Physicks under D^r Rutherford, & the clenical Physicians, D^r Whyte, Cullen & Monro;—these S^r are the Classes I have attended, but to what purpose I must leave to time to discover. if in what I have done I meet with your approbation, I shall think myself happy, or if in what I have to do, you can point out how I may mend my Plan, I shall esteem it a very particular Favor.—I saw D^r Whyte this Morning & deliverd your Message to him, he desired me to return his Compliments; and acquaint you, that he has wrote to you twice this Spring; informing you what he had done Relating to the Disposal of some Papers, you intrusted to his Care;—D^r Hope desires me to inform you, that it was with the utmost Concern he heard of the melancholy accidents, which have happened in your Family, and that he greatly regreted, having troubled you, at so unseasonable on occasion.

Permit me too S^r to assure you, that I most sincerely sympathize in your Sorrows, that it is my earnest Prayr, that the Hand of Affliction, may henceforth be far removed from your House & that I am

D^r Sir

with the greatest Respect
your most obliged and most Humb^e Serv^t

SAM^l BARD

EDINBURGH July y^e 8th —64

*The Board of Trade to Sir William Johnson
on Indian Affairs*

[Copy]

WHITEHALL, July, 10th 1764

Sir,

HIS Majesty having, before the opening of the last Session of Parliament, directed us to consider, what arrangements it might be proper to make in respect to the future Management and Conduct of Indian Affairs in general, We did, in Obedience to His Majesty's Commands, prepare the heads of a Bill for regulating this important Branch of His Majesty's Service, under one uniform general Plan, and for enabling His Majesty to make such Establishments, as appear'd to us to be necessary for the Execution thereof; But it was thought advisable from Considerations, as well of the great Importance of the Measure itself, as the Difficulty of establishing a Fund to answer the Expence which would necessarily attend the Execution of it, to defer the bringing any Bill into Parliament 'till next Session; before which time it was apprehended further Information might be procured on many essential parts of the Plan; and of which there was the greater Expectation, as we had before directed the Superintendants to make very full Reports to us, of the actual State of Indian Affairs within their respective Departments.

THE Letters, which we have received from you, and the Superintendant of the southern District, in Consequence of these Orders, have fully answer'd our Wishes and Expectations on this head, have confirmed our Opinion of the Danger and Disadvantage attending the present vague and uncertain Administration of Indian Affairs, and have enabled us to make additions to and improve our plan: But as your Situation and intimate knowledge of this difficult and complicated Subject may enable you to furnish us with still further Lights, we think proper to transmit to you the inclosed heads of the plan we have prepared, for your Opinion upon it, which we expect you

will send to us as soon as possible, and we hope to receive it before the Meeting of Parliament.

THIS Plan has for its Object the Regulation of Indian Affairs, both commercial and political, throughout all North America, upon one general System, under the Direction of Officers appointed by the Crown, so as to set aside all local interfering of particular Provinces, which has been one great Cause of the distracted state of Indian Affairs in general; And as it is judged expedient in the Execution of this plan, that North America should be divided into two Districts, each having one chief Agent or Superintendant, the first Difficulty which occurs in the Consideration of the plan, is how to ascertain the Limits of each District.

THE making the River Ohio the Boundary Line or Line of Division between the two Districts, seemed to us, at first, the most precise Distinction; but finding, upon Examination, that several of the northern Nations had not only Claims and Interest, but possibly actual Possession and Residence to the south of some parts, at least, of this River, we thought proper to relinquish this proposition, and to have recourse to the Expedient of distinguishing each District, by naming the several Nations to be comprehended within each. You will observe, however, that we have added to the Tribes contained in the List you have transmitted to us, those which inhabit the Borders of New England and in Nova Scotia, which Tribes must necessarily be comprehended in the northern District.

THIS appears to us, upon the whole, to be the most precise method of distinguishing and dividing the two Districts; and, as such, we refer it to your Consideration. If, however, you are of Opinion, that the Objections to our first Idea, which have appear'd to us so strong as to induce us to lay it aside, are not well founded, and that the Ohio, being a natural Boundary, will still be the best Line of Division; or that any other Boundary will be more exact and distinct, we desire you will state your Opinion fully upon this point, with your Reasons at large.

THE first Principle, upon which all the Regulations in this plan, respecting the Trade with the Indians, are founded, is, that such Trade shall be fixed, throughout all America, to certain Posts and places; and as it appears to us, upon a Consideration of the nature and Situation of the several Tribes of Indians, and of what has been the accustomed Method of carrying on the Trade with them in each Department, that it would be advisable to fix the Trade, in the southern District, to the several Towns in each Tribe, and, in the northern District, at certain fortified Posts; We have accordingly adopted that plan: But as the ascertaining the several posts in the northern District, to which the Trade ought to be fixed, is a matter of the most delicate and difficult Consideration, depending upon exact Information of the Residence of the Indians, and their Convenience and Satisfaction in many other Respects, we must refer this proposition to your particular attention and careful Examination, desiring that you will report to us your Opinion, not only what you conceive to be the proper Posts for the six Nations and other Tribes under your immediate Influence and Direction, but also for the more remote Indians dependent upon the Governments of Quebec, Nova Scotia, and the New England Colonies; but as you will observe from the Regulations of the Plan, that the Establishment at each Post will be a very considerable Expence to the public, it will be very proper that the number should be as limited as possible, and no more allowed than what are of absolute necessity.

THE posts, at which it appears to us proper to fix the Trade in the northern District, are Oswego, Niagara, Pittsburg, Fort upon the Miami River, Fort Chartres in the Illinois Country, Detroit, Missillimackinac, Chicoutimi upon the Saguinay River, Fort Cumberland at Bay verte, Fort Frederick upon St John's River, and Fort Halifax upon Kennebeck River.

THESE Posts will, in our Opinion, conveniently accommodate the several Nations or Tribes in the northern

District; but as this is a very essential part of the plan, we desire your Opinion freely upon it.

ANOTHER Regulation of great Difficulty and Delicacy, proposed by this plan to be established, is the Settlement of a Tariff of Trade; which, though it be recommended both by yourself and the Superintendant for the southern District, yet seems to us doubtfull in its principle, and difficult in its Execution, since it is in its nature inconsistent with, and might, in its Operation, be restrictive of that Freedom, which is one of the first principles of Commerce, and cannot either in Justice or Reason be fixed without the mutual Consent of parties having adverse and contradictory Interests. If however it shall appear to us, either from the Effect of any Regulation of this kind which may have already taken place, or from Reasons and Arguments that do not occur to us, that these Doubts of its propriety, and Apprehensions of Difficulties in its Execution, are without Foundation, we shall recommend a proposition that in many other Views of it, is much to be wished for & desired.

THE most superficial View of the Nature and Disposition of the Indians, and of the Manner in which they regulate their civil Concerns will suffice to shew, that a steady and uniform attachment to and love of, Justice and Equity, is one of their first principles of Government; and it is upon a general Consideration of the Effect and Influence of this principle upon their Conduct, that we have ventured, in the eighteenth and nineteenth Articles of this plan, to suggest a Regulation, that appears to us to conform itself to their Inclinations and Disposition in this Respect, and which, if it can be accomplished, will restore mutual Confidence, by checking those Abuses which have tended to destroy it.

IN every proposition of this kind however we expect to receive your Sentiments; and therefore we desire you will attentively consider it, and give as your Opinion, as well upon the propriety of the Measure itself, as the Mode of carrying it into Execution, in Case it shall be thought adviseable to recommend it.

THE foregoing are all the Remarks which appear necessary for us to make upon the inclosed plan; the rest of the propositions speak for themselves, and sufficiently point out the Grounds and principles upon which they are founded. It only remains therefore for us to direct your Attention to, and desire your Opinion upon what is suggested in respect to the Fund for defraying the Expence attending the Establishment of this System; it is upon this that the whole depends, and therefore we must require you to be very full and explicit in your Report upon it, transmitting to us the most exact Accounts you can collect of the actual annual Quantity and Value of Goods sold to the Indians, and Peltry received from them in Return, with your Opinion at large what Duties you think the Trade will bear, in what manner they may be laid, and how, or at what places collected, with the least Burthen and Disadvantage to the Trade; and we desire that you will annex to your Reports an Estimate of the annual Expence of the several Establishments proposed to be made in the northern District, and what will be necessary for Presents to the Indians and all other contingent Expences, with such Explanations upon each particular as may enable us to judge not only of the Amount of the fixed Establishments but also of what will be the probable amount of the whole, under every head and article thereof: and in forming these Estimates, we recommend it to you to state the Expence at as low a Rate as possible, because the whole of it must be borne by the Trade. So we bid you heartily farewell, and are,

Sir,

Your very loving Friends,
(Signed) HILLSBOROUGH
GEO: RICE
BAMBER GASCOYNE
J. DYSON

Sr WILLIAM JOHNSON BART }
Superintendent of Indian Affairs. }

The Board of Trade to John Stuart on Indian Affairs

[Copy]

[This letter is the same as the above, *mutatis mutandis*, except that the following paragraph replaces the sixth, seventh and eighth paragraphs of the preceding letter.]

The first principle, upon which all the regulations in this plan respecting the Trade with the Indians are founded, is that such Trade shall be fixed throughout all America to certain Posts and Places; and as it appears to us upon a Consideration of the nature and situation of the several Tribes of Indians, and of what has been the accustomed Method of carrying on the Trade with them in each Department, that it would be advisable to fix the Trade in the Southern District, to the several Towns in each Tribe, and in the northern District at certain fortified posts, we have accordingly adopted that plan; But as there will be but one set of Officers for each nation or Tribe in the Southern district, we desire your opinion, whether it will be advisable to leave the Trade open at every Town belonging to each Tribe, or whether it will be necessary to confine it to the Town where the Establishment shall be fixed.

JOHN STUART Esq^r Superintendant of Indian Affairs

From Board of Trade, Requiring Abstracts of Land Patents

WHITEHALL July 13, 1764

Sir,

It being necessary that His Majesty should be fully informed of the true State of the Grants which have been made of Lands within the Province under your Government, we desire you will forthwith transmit to us an

Abstract of the Record of all such Grants, from the first Establishment of the Colony, specifying the names of the Grantees, the time when each Grant was made, the Quantity of Acres, and the Quit Rent, if any, reserved thereon, and expressing the Situation and location of each Grant. And we desire you will, for the future, be particularly carefull to transmit to us, every six Months, a like Abstract of all Grants made by you of any Lands within your Government. So we bid you heartily farewell, and are,

Sir,

Your very loving Friends,
HILLSBOROUGH
GEO: RICE
BAMBER GASCOYNE
J. DYSON

CADWALLADER COLDEN Esq^r }
Lt Gov^r of New York }

From Earl of Halifax

St JAMES's July 14th 1764

Sir,

I send You herewith by the King's Command, the Copy of a Letter which I have lately received from His Exc^y the Spanish Ambassador, complaining by Order of His Court, of several Violences comitted against the Subjects of His Catholick Majesty by some English Pirates, or Privateers, in the West Indies. And I am to signify to You His Majesty's Pleasure, that You make all possible enquiry concerning all Vessels which may arrive within Your Government from those Parts, in Order to discover the Persons who may have been guilty of such of Piracy, & in Case of such Discovery, that you do your utmost to secure Them, & bring Them to Justice.

And if any of the Persons concerned in the said Piratical Proceedings shall happen to be discovered & apprehended within your Government, you will immediately transmit to me for His Majesty's Information, an Ac-

count thereof, & of Your Proceedings in Consequence of such Discovery.

I am, with great Truth and Regard
Sir,

Your most obedient humble Servant

DUNK HALIFAX

Deputy Governor of New York.

[Indorsed]

From Lord HALIFAX in relation to Violences
committed on the Spaniards.
Sept^r 19 Read in Council

*From Prince Masseran, the Spanish Ambassador, to the
Earl of Halifax*

[Copy]

[Translated from the original French]

LONDON, June 18, 1764.

My Lord,

In a letter from the Count de Riela, Governor of Havana, dated February fifth of this year, the King, my Master, received the regrettable announcement of several violent acts committed against his subjects by English corsairs who are continuing in arms in those places, as in time of war. A schooner, or small English vessel, whose captain's name is unknown to us, gave chase to a Spanish vessel, under the command of Salvador Buenavides, who was sailing from Port Trinité to Porto Principe. The crew of the schooner boarded the Spanish vessel, searched her, maltreated the crew, and forcibly seized a criminal who was to be delivered over to the commandant of Porto Principe by order of the military commander of the city of Trinité.

Jean Bishag, English, Captain of an English sloop whose cargo belonged to Manuel Ravelo, a Spaniard, forcibly boarded a Spanish sloop commanded by Nicolas Bonora which, with the necessary permit for a cargo of tobacco, was going to the Port Majorvi, and was actually in the port of Las Neuvitas in the island of Cuba itself.

The Englishman became master by force of arms, and in spite of the remonstrances of the owners of the cargo, seized it and gave a receipt for what he had taken.

Although the Count de Riela has written about the matter to the English governor of Providence, the King, my Master, commands me to inform the King of Great Britain and His Ministry of these actions, so contrary to the amity which reigns and ought to reign between the two Nations, and he hopes His Britannic Majesty will be pleased to dispatch with all possible speed his orders putting an end to these acts of violence and restraining his subjects within the bounds of moderation which they are obliged to respect.

I have the honor, &c.

THE PRINCE OF MASSERAN

His Excellency My Lord Dunk Halifax

From Edward Sedgwick

St. JAMES'S. July 14th 1764

Sir,

I am directed by The Earl of Halifax to acknowledge the Receipt of Your Letter of the 8th of May, and to acquaint you that, altho' in some Instances an attested Copy of a Mandamus, of which the Original has been lost has been thought sufficient for the Admission of a Councillor, yet, upon the Reasons which you give, His Lordship has thought proper to move the King to sign another Mandamus for M^r Apthorpe of the same Date with the former, and His Majesty having been pleased to sign it accordingly, it has been delivered to M^r Thomlinson, who will probably send it out by this Packet.

I am further directed to recommend to Your Care the inclosed Letters to Governors Murray and Wilmot and to Colonel Burton, and to desire you will be pleased to forward them by the first Opportunities, great Complaints having been made particularly by GOVERNOR WIL-

MOT, of Letters being long delay'd at the Post Office in New York.

I am with great Truth and Regard,

Sir,

Your most obedient humble Servant

EDW^d SEDGWICK

Under Secry.

CADWALLADER COLDEN Esq^r Lieut Gov^r of New York.

[Indorsed]

From ED SEDGWICK Esq^r Under Secy in Secy of States Office
relating to M^r APTHORPS Mandamus, & G^r WILMOTS Letters

From Lord Alexander Colvill

ROMNEY HALIFAX 25 July 1764

Sir

Yesterday I received a Letter from M^r Stephens Secretary to the Right Honble the Lords Commissioners of the Admiralty, of which I send you a Copy on the other side; and that I may be the better enabled to obey their Lordships Directions, signified to me in the said Letter, I pray the favour of you to make such Enquiry into the Fact, throughout your Government, as you may think proper, in order that an Evil so detrimental to the Revenue and so disgraceful to the Service may be remedied as soon as possible.

Besides the Directions I have given about this Enquiry to Captain Kennedy, commanding the King's Ships on the York Station, I have sent a Copy of Mr Stephens's Letter to Governour Bernard, making the same Request to him; which I now do to you, that you will please to communicate the result of your Enquiry to me as soon as may be convenient.

All that is represented in Mr Whately's Letter is contained in the Copy of Mr Stephens's.

I am with great regard

Sir

Your most obedient & most humble Servant,

HONORABLE CADWALLADER COLDEN, Esq^r

COLVILL

Philip Stephens to Lord Colvill

[Copy]

My Lord

ADMIRALTY OFFICE 10 May 1764

Having received a Letter from Mr Whately, one of the Secretaries to the Right Honble the Lords Commissioners of his Majesty's Treasury dated the 16th of last Month, representing that their Lordships have received Information that an English Ship from Amsterdam, falling in with a Man of War on the York Station in December last, was permitted to pass for a Consideration of three hundred pounds, and that, in consequence of the regulations lately made, a large Cargo was ordered by a Merchant there from England of the same Species as used to be brought from Holland, but that he afterwards countermanded the Goods as he found there was a Method for procuring them by the old Channel; I am commanded by my Lords Commissioners of the Admiralty to send you a Copy of the said Letter and to signify their direction to your Lordship to make the strictest enquiry into what is therein set forth & to report to me, as soon as possible, how your Lordship shall find the same to be. I am

My Lord

Your Lordships

Most humble Servant

R^t Honble Lord COLVILLPH^p STEPHENS

A true Copy Colvill

[Indorsed]

L^d COLVILL's Letter & Copy of M^r STEPHENS Letter to him*Proclamation Proroguing the Assembly*

By the Hono^{ble} Cadwallader Colden Esq^r His Majesty's Lieutenant Governor and Commander in Chief of the Province of New York and the Territories depending thereon in America.

(Seal)

A PROCLAMATION

WHEREAS the General Assembly of this Province stands Prorogued to Tuesday the Seventh day of August Instant I have thought fit for His Majestys Service to Prorogue, And I do by and with the Advice of His Majesty's Council further Prorogue the said General Assembly, to Tuesday the Fourth day of September next; then to meet to proceed on Business; Of which all His Majesty's Subjects concerned therein are to take notice and govern themselves accordingly.

Given under my Hand and Seal at Arms at Fort George in the City of New York the Seventh day of August 1764 in the fourth Year of the Reign of Our Sovereign Lord George the Third, by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth

By His Honour's Command

CADWALLADER COLDEN

G^w BANYAR D'Secretary

[Indorsed]

GOD SAVE THE KING

Proclamation proroguing the Assembly
to the 4th of Sept then to meet on Business

*Minutes of the Council Relative to Major Philip Skene's
Land Grant*

[Copy]

AT A COUNCIL HELD AT FORT GEORGE
IN CITY OF NEW YORK on Tuesday the
seventh day of August 1764.

Present

The Hon ^{ble} Cadwallader Colden Esq ^r	Lieutenant Gov ^r &c
M ^r HORSMANDEN.	} M ^r DE LANCEY
M ^r SMITH.	
M ^r WATTS.	} M ^r READE.

His Honour the Lieutenant Governor laid before the Board, his Majesty's Order in Council of the 23^d day of May last, directing "that the Governor or Commander in

Chief of his Majesty's Province of New York for the time being do cause twenty thousand Acres of Land to be surveyed in one contiguous Tract in such part of the said Province, as Major Philip Skene or his Agents shall choose, not already granted to or surveyed for others, and which is not the property of, or claimed by the Indians; and upon return of such Survey, conformable to his Majesty's Directions in his general Instructions, to pass a Grant of the same to the said Major Philip Skene, under the Seal of the said Province; subject to the payment of the Quit Rent, prescribed in the said General Instructions, and such other Terms and Conditions of Cultivation and Settlement, as are usually inserted in Grants of Land made in that Province."

His Honour likewise communicated a Letter from the R^t Hon^{ble} the Earl of Hillsborough, first Lord Commissioner of Trade, of the 8th June last, signifying that his Majestys had been pleased to grant 20,000 Acres of Land to Major Skene, in such part of the Province of New York as he shall choose, which are the Words usually inserted in Grants recommended by that Board; but that he is desired by the Board, to inform him, that it is their Wish and Intention, that this Grant should be made to Major Skene, in that part where he has already begun to settle; and that the Board therefore hope he will not in the mean time make any Grant of those Lands, so as to interfere with this Intention

His Honour having required the Opinion of the Council whether they conceived that Grants should issue both for the 20,000 Acres directed by his Majesty's Order in Council above recited to be granted to Major Philip Skene; and for the 25,000 Acres, which this Board on the 23^d day of November last, advised to be granted to the said Major Philip Skene and the other persons named in the Report of the Committee read on that day—The Council advised his Honour to grant to the said Major Philip Skene the Quantity of 20,000 Acres, part of the 25,000 Acres already surveyed for him and his Associates: And to postpone the making any farther Grant to him,

until it shall appear to be his Majesty's Pleasure, that the 20,000 Acres should be granted to him, exclusive of the said former Grant advised by this Board.

His Honour the Lieutenant Governor then required the Opinion of the Council, whether he should pass his Majesty's Letters Patent to Joseph Walton and other Officers of his Majesty's Royal Artillery for the Lands surveyed for them; it appearing that the Parties Interested therein, were not willing to relinquish to Major Skene, that part being between 3 and 4000 Acres, of the south End thereof, whereon the said Major Skene had made a small Improvement.

The Council declared that as it was only on the Condition of Major Skene's obtaining the Consent of the said Joseph Walton and his Associates, who were prior Petitioners, that they had advised the granting of that particular part to him; And his Majesty's Order in Council directing that the 20,000 Acres to be granted to Major Skene, should be laid out in one contiguous Tract, not granted to or surveyed for others; And the Land in Question being included in the Tract surveyed for the said Joseph Walton and his Associates, and laying in such a Situation, as that it could not be included in one Tract with that which has already been surveyed for Major Skene: They therefore humbly advised his Honour the Lieutenant Governor, to grant his Majesty's Letters Patent to the said Joseph Walton and his Associates, for the Lands so surveyed for them.

A true Copy Examined by
G^w Banyar D Cl Con.
[Indorsed]

Copy.

Minute of Council relative to the
Grant of Land to be made to Major PHILIP SKENE.

From Earl of Halifax

Sir, ST. JAMES'S, [London, Eng.] August 11th 1764

It is His Majesty's Pleasure that you do constantly transmit to me every Information, which your utmost

Diligence & Attention can, from time to time, procure, in relation to the illicit Trade, which may be carried on within your Government; to the Methods in which it is conducted; the Commodities in which it is concerned; and the Extent to which it is carried; the Means of preventing the same, and the Conduct of the several Officers who are employed for that purpose: And whenever it shall happen that you have not been able to procure any Intelligence upon any of the Points above mentioned, you will take Care to mention in your Dispatches, that you have no Informations of that sort to communicate.

I am with great Truth & Regard

Sir,

Your most obedient humble Servant

CADWALLADER COLDEN Esq^r
Lieut: Governor of New York.

DUNK HALIFAX

[Indorsed]
Letter from the Sectt^y: State
Requiring an Account of the Illicit Trade
& of the Custom House Officers

From Earl of Halifax

Sir, ST. JAMES'S [London, Eng.] August 11th 1764

The House of Commons having, in the last session of Parliament, come to a resolution by which it is declared that towards defraying the necessary Expences of defending, protecting, & securing the British Colonies & Plantations in America, it may be proper to charge certain Stamp Duties in the said Colonies & Plantations, It is His Majesty's Pleasure, that you should transmit to me without delay, a List of all Instruments made use of in publick Transactions, Law Proceedings, Grants, Conveyances, Securities of Land or money, within your Government with proper & sufficient descriptions of the same, in order that if Parliament should think proper to pursue the Intention of the aforesaid Resolution, they may thereby be enabled to carry it into Execution, in the most effectual & least burthensome Manner.

If you should be unable of yourself to prepare a List of this kind, with sufficient accuracy, you will in such case require the assistance of His Majesty's Attorney General or the Principal Law Officer of the Crown within your Government who are the proper persons to be consulted, towards procuring the said Information in the manner required.

I am with great Truth & Regard,

Sir,

Your most obedient humble Servant

CADWALLADER COLDEN Esq^r }
Lieut Governor of New York }

DUNK HALIFAX

[Indorsed]

Letter from Stty of State requiring
a List of all Papers chargeable with a Stamp Duty

From Earl of Halifax

ST. JAMES'S [London, Eng.] August 11th 1764
Sir,

It being of great Importance to His Majesty's Service & to the Commercial Interests & general Convenience of His Majesty's Subjects in North America, that the Conveyance of Letters, by the Post, should be facilitated & extended throughout the Colonies upon that extensive Continent, His Majesty's Post Master General is concerting measures for those Purposes and as it cannot be doubted but the Legislatures of the several colonies will readily & chearfully contribute to the Success of a plan from which They may expect to derive the Benefit of a regular, safe, & speedy Correspondence, I am commanded to signify to you His Majesty's pleasure that you should recommend it to the Assembly of the Colony under your Government to provide for the Establishment of Ferries, & erecting proper Buildings on the Water Side, wherever the same may be found necessary, that the Posts may meet with no delays or interruptions in passing.

His Majesty's Post Master General having also represented that a Map of the Province under your Government with the present Course of the Posts throughout the

same clearly marked out, would be of great use to him in the present undertaking, I am to desire that you will procure & transmit such a map, together with a state of such alterations as you apprehend to be wanting for the better Regulation & Improvement of the said Posts and you will give your constant aid & support to the post Masters within your Government, in the Execution of their office, which is so immediately calculated for the publick Benefit.

I am, with great Truth & Regard,

Sir,

Your most obedient humble Servant

CADWALLADER COLDEN Esq^r
Lieut Governor of New York

DUNK HALIFAX

[Indorsed]

Lord HALIFAX concerning the Post Office
& Post Roads in Province of N. York

From Major William W. Hogan

Sir

Camp at PRESQUE ISLE 15th August 1764

I Wrote to You from Niagara Since which I have Received non of yours I have now the Pleasure of Informing your Honour that Colⁿ Bradstreet with the Army is Safe Arived at this Place without the Least Molestation from the Indians All in good health & high Spirits in Particular the Battalion Under My Command. All the News I have to Inform your Honour is that the day before yesterday we were Met by two Cannoes of Indians of the deleware Shawnies & other headmen of the southern Nations who have Concluded a Peace with Colⁿ Bradstreet Upon the following terms that they will give & Grant to the British government Liberty to Erect forts Upon Any Spot of ground we may think Proper giving them Grants for the Land Round it as farr as a Cannon will fire a Ball & that if any Hostilities is Committed on there Side they have obligated themselves to deliver the offender up to the English Laws to be tryed by them by a Court wherof Six Indians to Sett as Members & I Make no dobt but

this with the wise Measures taken by Sir William Johnson with the Nation assembled at Niagara will Once more Secure our frontiers from the barbarous Outrages Lately Committed by them—As for the famous Pontiac with his Army we have no Accounts of & therefore Can form no Judgement which Way he will Bend his Course. Colⁿ Bradstreet has turned over to the Battalion Under My Command Ninety five Men Inlisted by his Order to Compleat the Battalion. Should be glad to Know whether the government will Provide for them or Not I have Nothing More Material to Add but Remain

Your Honours Most Humb^e Serv^t

W^m W. HOGAN

To the Honourable CADWALLADER COLDEN Esq^r

[Indorsed]

On His Majesty^s Service

To

The Honourable CADWALLADER COLDEN Esq^r

Lieut Governor of New York

[Indorsed]

Letter from Major HOGAN giving an
acct of the Peace concluded by Col. Bradstreet.

4 Sept^r Read in Council.

From Gen. Thomas Gage

NEW YORK August 16th 1764

You will hear that Dispatches are arrived from Niagara, where near 2000 Indians were assembled; of which Number there were about 1600 fighting Men. The Particulars of what was transacted there, are not come to Hand: I only know, that Colonel Bradstreet was obliged to remain there till they should move away for fear of accidents; and till another Peace was made with the Senecas; as it seems, the first they made they did not choose to keep: nor would they come in, till several Messages was sent to them, and threats of an attack upon them. They have now made another Peace, and brought in the Delawares, who were drove in the Spring from Susquehanna to make their Peace also; upon the latter's giving up two Chiefs: That is, they are to deliver them, which

were Seized upon & carried to Albany, where they were Immediately Committed to Goal

The Prisoners demanded from the Officer, a Copy of the Warrant by which they were Apprehended, & the Mitimus by which they were Committed, but were denied both

I must on this Occasion apply to your Honor, for your kind Interposition, in an Affair of so much Consequence to the Peace of both Governments, & shall rely on your giving orders for the Release of the Sherrieff, & the others in Goal, if it should not be done before this comes to your Hands, for it would be an Act of cruelty to furnish Individuals for disputes that Subsist or are Apprehended to Subsist between Government & Government, and Disputes of such a Nature as can only be determined by His Majesty, who has alone the Right of doing it

And as the Jurisdiction is the main thing in Question, I am ready & Willing to submit what concerns me to the King, not in the least doubting but you will readily join in a matter so Essential to the future peace of your own Government as well as this, for it is very Disagreeable to me to maintain disputes or foment Controversys of any kind, more especially such as neither Government can possibly reap the least benefit from

I am

Sir

With great truth & Regard

Your most obedient hum^{le} Servant

B. WENTWORTH

The Hon^{ble} CADWALLADER COLDEN Esq.

[Indorsed]

P dwt

[?] 8. On His Majesty's Service

To

The Hon^{ble} CADWALLADER COLDEN Esq^r
Lieut Governor & Commander in Cheif
of his Majesty's Province of New York
or in his Absence to the Commander in
Chief for the time being

New York

Letter from Governor Wentworth
desiring the release of several Persons
of that Govt apprehended by the People
of this Province

4th Sept^r Read in Council

From Sir William Johnson

JOHNSON HALL August 23^d 1764

Dear Sir

I have wrote you pritty fully as of this Date concerning my Transactions at Niagra. This letter is therefore on the Subject of y^e Land which I was oblided to defer till my return.

I now agreable to your directions in one of your favours of last April, write to y^r Son to depute a Surveyor to run the lines, after w^h it will give me particular pleasure to See yo[u] at this place, when I doubt not every thing may be settled to Satisfaction.

You will please to give me notice when I may have reason to expect You, that no Delay may possibly happen.

I am with all possible regard

Dear Sir

Your most obedient & most Humble Servant

W^m. JOHNSON

The Hon^{ble} CADWALLADER COLDEN Esq^r
Lieu^t Gov^r of New York

From Sir William Johnson

JOHNSON HALL August 23^d 1764

Dear Sir

I arrived here four days ago from Niagra after having settled affairs with the different Nations as well as could be expected. The Nations who attended from the Westward were the Hurons, Ottawaes, Chippaweighs, Sakis, Peranes, Reynards, Menominy's, & in short all y^e Cheifs of the Western Nations, except about 300 under Pondiac at the Miamis River, and the Potawatamis who did not choose to trust themselves down, the whole amounted to upwards of 2000, including those of the 6 Nations who accompanied me. They were the largest Number of Indians perhaps ever Assembled on any occasion. The Shawanese & Delawares of Ohio did not attend, they are

now up the River *Sioto* watching your motions, but I imagine that the transactions at the Congress will soon bring all to reason in case we are not able to effect anything against them. Most of the Western Nations were well recommended by Major Gladwin & other officers, they dwelt much on their good treatment of the Garrisons of La Baye & Michilimacinac y^e latter taken by the Enemy Ottawaes & Chippaweighs. I therefore renewed & strengthened the Covenant Chain with them, and they have promised not only to get all the Prisoners out of the Enemys Hands but also to procure restitution for the Traders losses, they have likewise agreed to the reestablishing a Post at Michilimacinac.

The Hurons accounted for the cause of their engaging in the War, delivered up three Prisoners which were all they had & have subscribed to a Peace;—but we were greatly delayed by the Chenussios, & other Enemy Seneca's, who did not arrive for a considerable time, occasioned by reports w^h had been propagated amongst them, that we intended some Treachery, they at length came with 14 Prisoners & 2 Deserters, w^h they Said was all they had, but there are Several Prisoners amongst the Delawares liveing near Chenussio, for the delivery up of whom as well as of their King, & Head Warrior called the Squashcutter the Chenussios have engaged, & given two Hostages for y^t purpose. These Delawares abandoned their Settlements on the Capture of Captⁿ Bull & his party, & their Villages having been distroyed by the Partys under Montour &ca., they have since resided with the Chenussios, & requested their Interest with us to make peace, but I refused to treat with them, 'till all the Prisoners & their 2 Cheifs were first delivered up, which I expect will shortly be complied with. The Senecas have likewise given up to his Majesty all the Land from Lake Ontario to Lake Erie 4 Miles in Depth on each side of the strait for the use of the Several Garrisons which is more than Double the Quantity their Deputys agreed to last Spring. The Isleands, (one of which is verry large) they insisted on my acceptance of, to shew their esteem,

& make my mind easy (as they called it) after the Delays I had met with.

The behaviour of the Senecas cannot fail operating strongly on the Shawanese & Delawares, as well as all the Nations for they are a people of much power & Influence over the rest;—so soon as Matters were settled with the Senecas, Co^l Bradstreet proceeded with the Troops accompanied by about 500 Indians, but the lateness of the Season, & the disposition of the Ind^s in general will I beleive leave little to be done offensively, & Co^l. Bradstreet is well convinced of the absurdity of attempting to go to extreems with them, Justly observeing that we cant always keep an Army on the Frontiers, and that tho he might be able at present to establish a Post, it remains entirely at the Indians discretion whether we shall keep it or not, it were to be wished the World had been earlier convinced of this Truth, I hope now they have profitted by experience. The Indians who have made peace & those who have renewed their engagements have been verry Sollicitous for Trade, & it was Judged adviseable to let them purchase with what little Furr^s they had, such thing as they wanted (Ammunition excepted) I told them repeatedly their loss of Trade must be charged upon the Enemy, and that 'till they were punished, or brought to a proper Submission, they must not expect it as before, however I know nothing will contribute more to keep them at peace, than the letting them have a Trade carried on by Honest Men, and of this I think necessary to acquaint You as Passes are to come from you by the Kings Proclamation.

Last night all the Cheifs of Conajohare came to acquaint me that they were often verry Ill treated, but particularly so of late, by one *Cobus Maybe*, who resides on part of their clear Lands, without any Title, notwithstanding their repeated desire that he should remove, and I have (since his Majestys Proclamation was published here) at y^e earnest request of the whole Castle, wrote him several times to leave s^d place but to no purpose. In short several of the White People in that Neighbourhood

use them vastly Ill, by turning their Cattle into the Indians Corn fields, and beat their Women & Children when Driveing them out, This has been often done, but more so of late in the absence of their young Men, which the Sachims fear may prove of bad consequence if not redressed, & prevented for the future. As I am directed to see all Persons removed who occupy Indian Lands without Just Title, I must request you will acquaint me how this *Maybe*, or any others on the like footing are to be removed, or that you will please to give the necessary orders about it.

The Great Number of Indians who attended at Niagara, and the infinite variety of their affairs, Demands &ca afforded me scarce time for the least refreshment dureing my Month's stay there, & prevented me from answering several letters which imediately required it, as well as from haveing the pleasure of corresponding with you dureing that time.

I am

with the most perfect Esteem

Dear Sir

Your Most Obedient & Most Humble Servant

The Hon^{ble}

CADWALLADER COLDEN

W^m. JOHNSON

Speech of Abraham, a Mohawk Chief, to Sir William Johnson

[Copy]

Thursday Sept^r 20th 1764

ABRAHAM.	} Six of the Chiefs, and Warriors, of the Lower Mohawks came to Sir William Johnson, at Johnson Hall, & desired a Hearing; which being granted; Abraham, their chief Sachem, spoke as follows.
DANIEL.	
HENDRICK.	
AARON.	
ISAAC.	
JOHN.	} Brother Goragh Warraghiaguy;

We are come here at the desire of our Castle to speak to you. Before we enter on the Subject of our Complaint, we wou'd desire to remind you of the first Agreement, and

Friendship, Settled between your Ancestors, and our's, which, we have ever since closely followed; and flatter our Selves you can vouch for Us since your Coming to the Country, and particularly for our Conduct in the old french war; wherein, we exerted our Selves, and brought in many Scalps & prisoners to you. On the breaking out of the last war, we were again applied to for our Assistance, and told that it was for our Country, which the French wanted to Creep into by different ways, that the war was commenced: and, that shou'd you, and we be favoured so much by the Almighty, as to Lay the French under, we sho^d then be a happy People, and Enjoy our Lands in Peace.

We were in hopes, after the Reduction of Cannada, of seeing that happy time; but, to our great Concern, the western, & other foolish Nations, soon removed that wish'd for Prospect, by Falling upon our Brethren, their Forts, and Settlements; on which, we were again applied to by you, to Rise and help to Punish those unthinking People. This appeared to us so reasonable, that we complied, (remembering as we before observed the Engagements our Fore-Fathers had entered into) and Fell upon some of Them, and their Settlements, last Winter; in which We were Successful; and now our People are with the Army to Assist in punishing, or bringing to reason, those bad people, thinking, that after those Nations were brought to their Senses, We, and our young Men, sho^d sit down, and enjoy peace, agreeable to what was told Us. But, Brother, to our very great Concern, We understand, from many People, that in a short Time, some of our Brethren are determin'd to deprive Us of the chief Tract of Hunting Land We have left, called KAYADEROSSRES, with a great Quantity of Land about it, which we never could learn, from the most strict Enquiry, made several years ago, had been sold by our Nation: Wherefore, We must say, if that is to be y^e case, we are much deceived in the opinion we ever entertained of our Brethren's Honesty:—But, after our uninterrupted regard, and Attachment to them; and the many Accounts we have had from

you of the Uprightness of the Great King, and his determined Resolution to see Justice done to all well disposed Indians, we can hardly think of being so Treated, and wronged. What We now request is, that you will write to the Governor, and let him and his great People know our earnest Desire; which is, that He, and They, will not Suffer any People to deprive Us unjustly of our Lands, but to Stop any Proceedings now intended, with regard to KAYADEROSSRES, until the Great King's Pleasure is known, Who, we are sure, will not Suffer Us to be so greatly wronged, as it must Alarm all the Nations of Indians, and shew them what a bad Return we have for our Services to the English. A BELT

Brother;

We now acquaint you, that as some of our People lately were on the Hunt about Kayaderossres Creek, and the Lakes in that Quarter, They, to their Surprise, discovered Several Settlements of English there. They wou'd not go near them, till they had acquainted us of it. We now tell you; Brother, that we intend to send some of our soberest, & most sensible People, to desire those People to move off of our Lands, which we hope they will without farther Trouble, as they have no Right to it.

Then They ended.

Sir William Johnson's Answer to Above

Sir William told them, He wou'd send their Request to the Lieu^t Governor, who, He did not Doubt, would do all in his Power to see Justice done to Them: and that, as soon as He received his answer, wou'd acquaint them therewith: then desired, that They wou'd by no means, have any Dispute with the People living thereon.

A true Copy from the Original

WITHAM MARSH

Secry for Indⁿ Affairs

[Indorsed]

The Speech of ABRAHAM, a Mohock Chief, to Sir WILLIAM JOHNSON, respecting the Lands of Kayadero-ssres, and Sir W^m's answer.

From Sir William Johnson

Dear Sir

JOHNSON HALL Sept^r. 21st 1764

I had the pleasure of your favour of y^e 3^d Ins^t. & I am happy in finding my late proceedings wth the Indians are so agreeable to You.

I enclose You agreeable to their desire a Copy of a Speech made Yesterday by the Mohawks, touching the Pattent of Kayadarosseras, of which they have been complaining these many years, and now on hearing that it is shortly to be divided, they have taken the Alarm, & are verry earnest ab^t. redress I must request you will take it into consideration with y^e gentlemen of the Council, so that I may be enabled to give them an Answer as soon as it will suit with your conveniency. I am sorry to be oblided to trouble you so often on these Subjects but really there are many old transactions, of such a Nature as requires redress and which gives the Indians in General, verry unfavourable Impressions of the English, & me immense trouble in Satisfying them on these Heads.

I am fully of Opinion that Licences to trade should not be granted till the Issue of this Campaign is finally known, as it will make the Indians feel Wants they are as yet strangers to in General, and as to the confineing Trade to the principal Garrisons, I cannot but consider it, as y^e safest way, for avoiding the many risques which on any disgust the Traders & their goods are liable to in the Indian Country, or even at the Smaller Out Posts. Notwithstanding which there are many Persons in Trade who would not scruple to go any where amgst them from the prospects of gain they expect when under no Eye but that of Indians, however this should be prevented as a Matter of public concern, for the Murder or Robbery of 2 or 3 will be always followed by a rupture of that Nation. A small Trade may at present be allowed to the 6 Nations, which it was necessary to promise them on the ratification of the Peace with the Senneca's. This is now carried on by many of y^e Inhabitants but when Licences are granted

for a general Trade, I should think it would be best under the inspection of a proper officer, or for want of such, of the officer Commd^s. The Principal Posts, who on Just complaint made by the Indians of abuse in Traffic could banish the Traders, whereby they might forfeit their Recognizance which might be proportioned to the Number of Boats, or Quantity of goods they carried.

The officers of the Grenadier Companys & Additional Troop of Horse intend to be at some Expençe in purchasing Accoutrements & Uniforms, to w^h their Men have all agreed, They therefore solicit me to lay before you y^e necessity for a law to establish them, as the rest, and that they may be enabled on occasion to draft proper Men out of the largest Battalion Companys for the filling up Vacancys from time to time. I have already recommended an Uniform to them, to w^h I apprehend there can be no objection.

If the Affair I mentioned is not likely to be Settled by the Council, I shall be glad to be favoured with the Draft of your letter as mentioned in y^r last.

I am with y^e utmost regard & sincerity

Dear Sir

Your most Obedient Humble Servant

The Hon^{ble}
Lieut. Gov^r. COLDEN

W^m. JOHNSON

From Gov. Benning Wentworth

PORTSMOUTH [N. H.] September 22^d 1764

Sir,

I now own the receipt of your favor of the 20th Instant, with a Copy of the Sherriffs of Albany's letter to your Honor, which differs greatly from the Account I have from the Prisoners, but as that is Immaterial at present I shall omit Saying any thing on that head.

The Nature of this Controversy is Such, that no determination in our Courts can finally adjust it, therefore I should esteem it a prudential Act, to Suspend all processes in the Law on both Sides, until His Majesty has

determined the Jurisdiction of Governments, as the Contrary will greatly affect the revenue Ariseing to the Crown from this Government.

New Hampshire has for its Southern boundary the northern boundary of the Massachusetts, and so far Westward as they Claim, I think the claim of New Hampshire extends.

The prisoners make a greivous Complaint of the Excessive bonds required of them by the Sherriff, but as you have been pleased to give your directions to him on that head I shall add only, that the persons are all men able to respond in any of His Majestys Courts, but not having any property in your Honors Government they may be put to difficultys to find bail, being quite strangers, and if that should be the Case, I will be responsible for one, and all of them, for their appearance, & if you will be so good as to Signify the Same to the proper officer I shall esteem the favor.

I am with great regard

Sir,

Your most obedient humble Servant

B. WENTWORTH

[Indorsed]

Gov^r WENTWORTH'S
concerning the Persons in Albany Gail.

From Robert Hempsted, Town Clerk of Southold, L. I.

To the Hon^{ble} Cadwallander Colden Esq.

Sir

According to the Order Recived of the fifth of this Instant Sep: I have Given notice of the Possessor of all those Lands which have bin appropriated to the use of the Indians in or belonging to Southold and the Major part of them not being Willing to put the sd Indians In poss[ess]ion of sd Lands agree to show Cause att the board in the City of New York.

And I hear with Transmitt to your Honour Copies of all Records In my Custody Touching or any ways Relat-

ing to Lands within the Township of Southhold formerly appropriatd to the Use of the Indians

and am your Honours with all Due Respect

ROBERT HEMPSTED, Town Clerk

So:hold Sept 25th/1764

[The *copies of records* mentioned in the letter above, are among the Kempe papers in the possession of The New York Historical Society.]

From the Proprietors of Indian Neck, Southhold, L. I.

To the Honorable Cadwallader Colden Esq^r, his Majesty's Lieutenant Governor, and Commander in Chief of the Province of New York, and the Territories thereon depending in America &ca.

In Council.

May it please your Honor,

We the Subscribers being Proprietors in several Parcels of a Tract called Indian Neck, in the Township of Southhold in Suffolk County in due Regard to your Honor's late Order in Council, do now shew Cause, why we cannot restore those Lands to certain Indian Natives according to their Petition.

First. Because the said Lands are Parcel of the Township of Southhold, long ago granted by Letters Patent in due Form of Law; and belonging to us by Title legally derived under the same Patent, and therefore no Indians as we humbly conceive can legally claim the same.

But in as much as it may perhaps be pretended, that the Patentees or those holding under them, have done some Act favorable to the present Claim against us, We humbly beg Leave further to suggest,

Secondly, That there is an Entry, remaining on the Records of the said Town, in the Words following, to wit,

“At a Meeting held by the Inhabitants of South-hold
“August the 3^d 1685, it was then ordered and voted

“that the Indians should have a planting Field laid
“out for the Use of those Indians of Right belonging
“to this Township at the East side of the Meadow
“now belonging to Mr. Thomas Mapes Senior, near a
“Place called and known by the Name of Corchoague
“Pond which Field is to run South from the Highway
“to the Value of one hundred and twenty Acres, which
“Land so laid out the Indians are to fence with Tim-
“ber they get off of the said Land, and they are to cut
“no other Timber *neither for fencing nor firing on*
“*any of the Commons without Leave from the In-*
“*habitants of this Town.* There was chosen and voted
“Inhabitants Col. Youngs, Thomas Mapes, Joshua
“Horton and James Reeve to lay out and Bound the
“Land for the Indians as aforesaid.”

And this is the only Tract of which there is any Writing to shew that the Indians have any Permission to occupy Lands within the said Township, and this Tract is not the Land now as aforesaid claimed by the Subscribers under the Name of Indian Neck; which acquired that Name, because while it was Part of the *common undivided Lands of South-Hold*, some Indians lived upon it, but they all removed off from that Tract about fifty Years ago.

Wherefore these Subscribers concieve that the Indians (if any equitable Right they have) can claim only the Tract mentioned in the Town Records above set forth, And yet nevertheless in Tenderness to the Indian Natives, the Freeholders and Proprietors of Indian Neck, are willing to permit such Indians as are truly Descendants of the old Southhold Tribe, to live upon and plant the said Neck, and cut necessary Fuel thereon, they behaving themselves peaceable, and not introducing other Indians, nor presuming to hire out the Land to any white Persons whomsoever, nor planting the same for any other than their own *proper* Benefit, nor interrupting the Subscribers in the Occupation of such Parts as the Indians do not want or cultivate for themselves. But these Concessions are made only in Case your Honor and the Board

of Council shall think them obliged in Equity or natural Justice so to do; and provided such Measures be contrived, as will secure to the legal Freeholders of the said Neck, their Heirs and Assigns, the full Benefit of the said Terms.

All which is humbly submitted to your Honor's most obedient and humble Servants

SAM^l LONDON for himself

MOSES CASE

SYLVANUS DAVIS

SAM^l CORWIN

BENJAMIN CASE

ZEBULON HALLOCK and

DANIEL GUTHILL JUN^r

South-Hold the 25 Day of September 1764.

At a Council held at Fort George in the City of New York on Wednesday the twenty Sixth day of September 1764.

Present

The Hon^{ble} CADWALLADER COLDEN Esqr. Lieutenant Governor &c

Mr. HORSMANDEN

Mr. DE LANCEY

Mr. SMITH

Mr. READE

Mr. WATTS

The Board having under Consideration the Petition of the Southold Indians, claiming Lands in that Township, and Notification having been given to the Freeholders pursuant to the Order of this Board of the 5th Instant, And it appearing by an Order at a Town Meeting the 3^d August 1685, that a certain Tract of Land containing one hundred and twenty Acres was assigned to the said Indians, and which is known by the Name of South Harbour; And it also appearing by Affidavits produced to the Board that the said Lands were afterwards about the Year 1691 exchanged for other Lands now known by the Name of Indian Neck; It is ordered by

His Honour the Lieutenant Governor with the Advice of the Council, that a Prosecution or Suit be commenced and carried on by His Majestys Attorney General for the Recovery of the Lands of Right Belonging to the said Indians, unless the Parties in Possession of or interested in the Premises do on or before the third Wednesday in October next fully Satisfy and content the said Indians in respect to the Said Lands and that the Agreement thereupon be laid before this Board and approved of.

A true Copy Exam^d By

GW BANYAR D Cl Con

[Indorsed]

Order of Council respecting the Southold
Indians Claim to Lands at South Harbour

*The Assembly Deliberations on the Kayaderosseras
Patent*

ASSEMBLY CHAMBER CITY OF NEW YORK
DIE VENERIS 3 H. P.M. THE 5TH
OCTOBER 1764

THE House (according to order) proceeded to the consideration of His Honor the Lieutenant Governors Message of the Second Instant, and the Papers therewith sent, being Office Copies of the Indian Deed and Patent for Kayadorosseras, and a Copy of a Speech Said to be made by Abraham a Mohock Chief, with Sir William Johnson's Answer to it, on the Twentieth of September last: And Considering,

FIRST, That most if not all the Patents for Lands in this Colony, were preceeded by Purchases from the Indian Natives, the fairness and validity of which were trusted to the Judgment of certain Officers of the Crown, whose duty it was to attend to a proper Examination, previous to the Issuing of the Royal Grants.

SECONDLY, That many of the Antient Conveyances, and even Patents themselves, thro' the Infancy of the Country, and the Unacquaintedness of the first Settlers

with the English Language, are darkly and imperfectly expressed; and that it is very common for the Indians to Deny the Sales of their Ancestors, as well as their own, and renew their claims, to force repeated Payments for the same Lands, which His Majesty's Subjects often Submit to for Peace Sake.

THIRDLY, That it is impossible to discover the true Owners of any Lands among unlettered Barbarians, who keep no certain Memorials; Have very indistinct Notions of Private Property; Live by Hunting; use no Landmarks; Nor have any Inclosures.

FOURTHLY, That an easy attention to Indian Claims of Lands long since Patented, has a natural Tendency to excite new and Repeated Complaints from a People who have rendered themselves Indigent, and dayly become more and more Necessitous by their Sales, and the Utter Neglect of Industry, both in the Arts and Agriculture.

FIFTHLY, That in Proceedings Against Antient Grants upon the pretence of Fraud, after near Sixty Years have elapsed, the Witnesses must be presumed to be Dead, and the proofs Weakened or lost.

THIS HOUSE THEREFORE upon *General principles* (for they know nothing of the peculiar state of Kayadorosseras, other than that it is a large Tract, thinly Settled, because formerly much exposed to Incursions from Crown Point) conceive it extremely dangerous, at this late day, to enter into an Enquiry, in which Sufficient light probably CANNOT be obtained, to direct a just and Accurate determination, and that the Precedent of Annulling the Crown Grants impeaches the Fidelity of the officers with whom the power to Grant Lands has been intrusted; Will render all property insecure; Give the highest dissatisfaction to His Majesty's Subjects; Alarm their fears; and discourage the Settlement, Cultivation and Prosperity of the Colony.

THE HOUSE observe that the Vacating of the Patent of Kayadorosseras among others, was urged by Sir Charles Hardy in a Message of the 6th of July, and a speech on the

24th of September 1756; and Again in Another Speech of the 16th of February 1757, and that the then General Assembly in their Address of the 18th of the Same Month of February informed his Excellency, "That upon enquiry "he would find the Proprietors of large Tracts on the "Frontiers, had paid very considerable Sums of Money, "first to the Natives for their Rights, Afterwards to the "Governors and officers of the Government, for fees "Attending the Patents, *frequently as much as the Lands "were worth*, and that to deprive those People of their "possessions, *without a consideration*, would be construed "a Proceeding harsh & dangerous."

AND this House being well assured that these Suggestions are true, find themselves constrained to adopt the same Sentiments; and doubt not but that Sir William Johnson, hath a Sufficient Influence, and by Assigning the Reasons aforementioned, will be able to render the Mohocks, who are the least populous, most easily managed, best affected, and most intelligent of all the Indians, perfectly easy, and perhaps the Heirs and Assigns of the Patentees may, if called upon by the Government, be able to Supply such proofs of the extent, and fairness of the Purchase, as may facilitate Such good Endeavours on the Part of Sir William Johnson, to remove all ground of dissatisfaction among the Indians. A Measure which the Honor of the Crown in the Faith of the Royal Grants, and common Justice seem to recommend, as previous to any other Step, more threatening and detrimental to his Majesty's Subjects claiming those Lands; And who at this Day, are probably Purchasers for *large and Valuable Considerations*, and will have much cause to complain, if instead of Protection from the Legislature, they find the Great Power of the Colony most unnaturally exerted to divest them of their property.

ORDERED That Capt. Douw & Col^l Livingston wait upon His Honour the Lieutenant Governor with the foregoing Opinion of this House.

By order of the General Assembly

ABR^m LOTT JUN^r Clk

Indian Deed for Kayaderosseras Patent

[Copy]

Samson Shelton Broughton Esquire

TO ALL CHRISTIAN PEOPLE to whom this present Writing shall come Joseph Hendrick and Cornelius Owners, Proprietors and native Maquas Indians and Sachims in the Behalf of that Nation send Greeting.

KNOW YE that for and in consideration of sixty Pounds current Money of the Province of New York to them in hand paid, at and before the Ensealing and delivery hereof by Samson Shelton Broughton Esquire Attorney General of the said Province in Company, the Receipt whereof is hereby acknowledged, and of and from every Part and Parcel thereof doth fully Clearly and absolutely acquit Exonerate and discharge him the said Samson Shelton Broughton Esquire in Company their Heirs Executors Administrators and Assigns for ever have therefore granted bargained Sold Aliened Released Enfeoffed Conveyed and Confirmed and by these Presents do fully clearly and absolutely grant Bargain sell Alien Release Enfeoffe Convey and confirm unto the said Samson Shelton Broughton Esquire in Company all that Certain Tract or Parcell of Wood Land situate lying and being in the County of Albany in the Province aforesaid Called or known by the name of Kayaderosres adjoining to the North Bounds of Schoneghtade Patent together with the vacancy that lies between the ael Place [Aalplaats creek] down along the River about one Mile more or Less on the East Side thereof to the West Bounds of Saratogas Patent, on the North Side thereof to Albany River and on the West Side thereof to the Native Indians and Proprietors thereof for their Improvement, the North Bounds running along said River of Albany, To have and to hold the aforesaid Tract or Parcel of Wood Land and all other the Premises thereunto belonging with all and Singular other the Premisses and Appurtenances Unto him the said Samson Shelton Broughton Esquire

and the rest in Company their Heirs and Assigns forever in His and their quiet and peaceable possession and enjoyment forever In Testimony whereof the said Indian Proprietors have hereunto set their Hands and Seals in Albany the Sixth day of October in the third Year of her Majesty's Reign. Anno Domini 1704 Joseph × his Mark (Ls) Hendrick his × Mark (Ls) Gedeon his × Mark (Ls) Amos × his Mark (Ls)

Signed Seal'd and deliverd in the Presence of us being first interpreted by Hillitie Van Olinda Sworn Interpreter Hend. Jansen Justus, Johannes Rooseboome Justus, Johannes Cuyler Justis Johannis Mijingode Justis.

Secretary's office New York 2^d October 1764 The above is a true Copy of the Record in this office in Lib: Lycenses to purchase, Warrants Indian Deeds &c 1692 to 1714 page 125 &c Exam^d By

[Indorsed]

6 October 1704

GW. BANYAR D Seery

Copy Indian Deed for Kayaderosseras

Assembly Chamber Read October 2^d 1764

Grant of Kayaderosseras Patent

[Copy]

ANNE by the Grace of God of Great Britain France and Ireland Queen Defender of the Faith &c. TO ALL to whom these Presents may come or in any wise concern sendeth GREETING. WHEREAS our loving Subjects Nanning Harmense [Visscher], Johannis Beekman, Rip Van Dam, Ann Bridges, May Bickly, Peter Fauconnier, Adrian Hooglandt, Johannis Fisher, John Tudor, Joris Hooglandt, John Stevens, John Tatham and Sampson Broughton, by their Petition presented to our right trusty and well beloved Cousin, Edward Viscount Cornbury, Cap^t Gen^l and Gover^r in Chief of our Province of New York and Territories depending thereon in America, and

Vice Admiral of the Same &c. In Council have prayed our Grant and confirmation for all that Tract of Land situate lying and being in the County of Albany called Kayaderossres alias Queens Borrough: Beginning at a Place on Schonechtady River, about three Miles distant from the South-westerly Corner of the Bounds of Nestigione, the s^d place being the South-westerly Corner of the Patent lately granted to Nanning Harmmense [Visscher] Peter Fauconier and others, thence along the s^d Schonechtady River westerly to the southeasterly Corner of a Patent lately granted to William Appell, thence along the Easterly, northerly and westerly Lines of the s^d William Appells Patent down to the above said River, thence to Schonechtady Bounds or the southeasterly Corner of the s^d Patent on the s^d River, soe along the easterly Northerly & westerly Bounds thereof, down to the Said River againe, thence along the s^d River up westerly to the southeasterly Bounds of a Tract of Land lately granted to Ebenezer Willson & John Abeel, and so along the said Pattent round to the southwestery Corner thereof; on the s^d Schonechtady River, thence continuing to run westerly up along the s^d Schonechtady River to a Place or Hill called Tionoodehowe being five Miles distant or thereabouts from the s^d southwestery Corner of the s^d Willson's and Abeels Pattent, thence northerly to the northwest most Head of a Creek called Kayaderessres about fourteen Miles more or less, thence Eight Miles more northerly; thence easterly or northeasterly to the third Falls on Albany River about twenty Miles more or less, thence along the s^d River down southerly to the Northeasterly Bounds of Sarachtoga; thence along the s^d Sarachtoga's northerly, westerly, and southerly Bounds on the said River, thence to the Northeasterly Corner of Anthony Van Schayck's Land on the s^d River, so northerly and westerly along the s^d Van Schaycks Pattent to the Northeast Corner of the abovesaid Pattent granted to Nanning Fauconnier and others, thence along the northerly & westerly Bounds thereof Down to the abovesaid River of Schonechtady, being the Place where it first

began. The which Petition wee being willing to grant. **KNOW YE** that of our especial Grace certain Knowledge and meer Motion we have given granted ratified and confirmed, and by these Presents for ourselves our heirs and Successors, do give grant ratify and confirm unto the said Nanning Harmense [Visscher] Johannis Beekman, Rip Van Dam, Ann Bridges, May Bickley, Peter Fauconnier, Adrian Hooglandt, Johannis Fisher, John Tudor, Joris Hooglandt, John Stevens, John Tatham and Samson Broughton their Heirs and Assigns all the aforementioned Tract of Land and Premises, and all and singular the Hereditam^{ts} and Appurtenances thereunto belonging within the Bounds and Limitts above in these Presents mentioned and expressed, together with all woods underwoods, Trees, timber, Feedings, Pastures, Meadows, Marshes, Swamps, Ponds, Pools, Waters, Water Courses, Rivers, Rivolets, Runs and Streams of Water, fishing, fowling hawking, hunting, Mines and Minerals standing growing lying and being or to be had used or enjoyed within the Bounds and Limitts above expressed, and all other Profits, Benefits, Priviledges Liberties, Advantages, Hereditaments and Appurtenances whatsoever unto the said Land and Premises or any Part or Parcel thereof belonging or in any wise appertaining in thirteen Parts to be divided (Except and always reserved out of this our present Grant all Gold and Silver Mines) **TO HAVE AND HOLD** one thirteenth Part of the Tract of Land and Premises afores^d, with the Appurtenances hereby granted or meant mentioned or intended to be hereby granted as aforesaid unto the said Nanning Harmense his Heirs and Assigns forever, to the only proper Use and Behoof of the said Nanning Harmense his heirs and Assigns forever. One other thirteenth Part thereof unto the s^d Johannis Beekman his Heirs and Assigns forever, to the only proper Use and Behoof of the s^d Joh^s Beekman his Heirs and Assigns forever. One other thirteenth Part thereof unto the said Rip Van Dam his Heirs and Assigns forever, to the only proper Use and Behoofe of the s^d Rip Van Dam his Heirs and Assigns forever; one other

thirteenth Part thereof unto the s^d Ann Bridges his Heirs and Assigns forever to the only proper Use and Behoofe of the said Ann Bridges his heirs and Assigns forever; one other thirteenth Part thereof unto the s^d May Bickley his heirs and Assigns forever; to the only proper Use and Behoofe of the s^d May Bickley his heirs and Assigns forever. One other thirteenth Part thereof unto the s^d Peter Fauconnier his Heirs and Assigns forever, to the only proper Use and Behoofe of the s^d Peter Fauconnier his heir & Assigns forever. One other Thirteenth Part thereof unto the said Adrian Hooghlandt his heirs and Assigns forever, to the only proper Use and Behoofe of the said Adrian Hooghlandt his heirs and Assigns forever. One other Thirteenth Part thereof unto the s^d Johannis Fisher his heirs and Assigns forever, to the only proper Use and Behoof of the said Johannis Fisher his heirs and Assigns forever; One other thirteenth Part thereof unto the said John Tudor his Heirs and Assigns forever, to the only proper Use and Behoofe of the said John Tudor his Heirs and Assigns forever. One other Thirteenth Part thereof unto the said Joris Hooghlandt his heirs and Assigns forever, to the only proper Use and behoof of the said Joris Hooghlandt his Heirs and Assigns forever. One other thirteenth Part thereof unto the said John Stevens his Heirs and Assigns forever, to the only proper Use and Behoofe of the said John Stevens his heirs and Assigns forever. One other thirteenth Part thereof unto the said John Tatham his heirs and Assigns for ever, to the only proper use and behoofe of the said John Tatham his heirs and Assigns forever. And one other thirteenth Part thereof unto the s^d Samson Broughton his heirs and Assigns forever, to the only proper Use and Behoof of the said Samson Broughton his Heirs and Assigns forever (except before excepted)

TO BE HOLDEN of us our heirs and Successors in free and common Socage as of our Mannor of East Greenwich in the County of Kent within our Kingdom of Great Britain. YIELDING RENDRING AND PAYING therefore yearly and every Year from hence

forth, unto us our heirs and Successors, at our Custome House at New York, to our Coll^r or Recev^r Gen^l there for the Time being, at or upon the Feast day of the Annunciation of our blessed Virgin Mary (commonly called Lady day) the Rent or Sum of four Pounds Current Money of New York, in Lieu and Stead of all other Rents, dutys, Services, dues and Demands w^tsoever; Provided always and these Presents are upon that Condition, that if noe Improvm^t be already had, or made upon the said Tract of Land hereby granted as aforesaid, nor on any Part of Parcell thereof, that then and in such case they the said Nanning Harmense, Johannis Beekman Rip Van Dam, Ann Bridges, May Bickley, Peter Fauconnier, Adrian Hooghlandt, Johannis Fisher, John Tudor, Joris Hooghlandt, John Stevens, John Tatham and Sampson Broughton their Heirs and Assigns some or one of them shall within the Time and space of seven Years now next following from and after the date hereof, settle clear and make Improvement of or upon some Part or Parcell thereof. IN TESTIMONY whereof we have caused these our Letters to be made Patents, and the Seal of our said Province of New York, to our said Letters Patents to be affixed, and the same to be recorded in the Secry's Office of our s^d Province. WITNESS our Right Trusty and well beloved Cousin Edward Viscount Cornbury our Cap^t Gen^l and Gov^r in Chief in and over our said Province of New York, and Territories depending thereon in America & Vice Admiral of the same &c. Att our Fort at New York the Second day of November in the Seventh year of our Reign A^o D^o 1708

GEO. CLARKE

Secretary's Office New York 2^d October 1764 The aforewritten containing seven pages in Folio is a true Copy of the Record thereof in this office in Lib. Patents N^o 7 page 420 &c.

Exam^d By

G^w. BANYAR D. Secry

[Indorsed]

2^d November 1708

Copy

of Kayoderossara's Patent

Assembly Chamber Read October 2, 1764

From Sir William Johnson

JOHNSON HALL 8^{br} 9th 1764

Dear Sir

I have the pleasure of yours of y^e 1st Ins^t and I am glad to hear that the Lords of Trade & Plantations have given directions about the Vacateing the Patent of *Kayadarosseras* because I am convinced that the Indians were greatly imposed on thereby, & that it has been held to the exclusion of many Hundred fair Settlers, who would many years ago have made good Settlements thereon & paid a valuable consideration for such parts as the Indians could spare.

I have a long letter with a plan for Regulations in my Department, & with regard to Commerce from the Lords of Trade on w^h they desire my Sentiments with all possible dispatch, this, with the business which constantly surrounds me, you will readily conceive gives me scarce leisure to attend to anything else.

I am not able to give their Lordships a Satisfactory Account of the Exports & Imports for y^t branch of Trade, especially at so short a Warning so that I have been able only to make a rough Estimate of the quantity of goods sold thro' out my whole District from Canada, Nova Scotia &ca to the Mouth of Ohio, w^h at y^e rate of the Number of Hunters will amount to ab^t £170000 Sterlg. ^{per} Annum, & to avoid Mistakes I have reckoned much less than the Number of Indians. I took notice in my Estimate of the Number of Persons throughout the Frontiers of each Province who trade wth the Indians many of whom are guilty of great frauds, & none of them Subject to Inspection. I therefore Judge it necessary that they should pay an annual Duty, & enter into Recognizance for the future as well as y^e other Traders, & I flatter myself it will in some measure agree with your opinion. I have also recommended in a strong light the necessity of allowing the Sale of Rum, I was obliged to promise it to them what at Niagra, & without it they will never be contented besides that they can supply themselves with

other Articles on a much Smaller quantity of Peltry, & will gladly purchase that liquor at any rate, w^h may enable us to encrease the Duty thereon, & the Ill consequences of that liquor will be guarded against by the Steps now to be taken. The Duty I proposed was £5 th Cent, but double that Duty on liquors Arms & Amunition w^h I know it will verry well bear, & y^e Traders will think themselves happy that they have it to dispose of.

I have hinted at the Necessity of procureing Justice for the Indians in a Summary way before a Governour & myself; As you must have experienced the Ill consequences attending the want of such a power, & the consequence it is to the peace of y^e Colonies to prevent Indians from becomeing exasperated by Ill treatment, & to restrict any private persons, (on a severe penalty) from interfereing with Ind^s. as has been too often the case, & indeed verry near occasioned a Rupture between them & the Inhabitants, two Instances of which I have been lately a Witness of, & with y^e greatest difficulty prevented. I make no doubt you will Join with me in remonstrateing y^e same to the Lords of Trade & Plantations, touching Debts & Abuses in trade that is already provided for by their Lordships plan.

I should be glad to know your Sentiments & that of the Council concerning Cobus Maybe & others resideing with out Title on Indian Lands at Conajohare as mentioned in a former letter.

As you imagine the Council will do nothing in my Affair, (which I am surprised at) I think y^e Plan you propose is the best, & shall be extremely glad of your good offices therein.

I am with y^e utmost Esteem & Regard

Dear Sir

Your most obedient Humble Serv^t

W^m. JOHNSON

P.S.

As I understand that some of my friends in England have represented something to the Lords of trade concerning the Land, I thought it necessary to apprise you

of it, least you might represent it without my appearing in it, which I find I now must do, with regard to every thing else I submit it to you to recommend it, as you shall Judge best, confident that you will do so as Soon as you can. I shall Sett about Surveying it next Week, as was proposed.

I am Y^{rs} &ca

The Hon^{ble}
Lieut. Gov^r. COLDEN

W. J.

*Mr. Watt's Receipt for Money Paid to Him for
Gen. Monckton*

An Account of Money Paid to John Watts Esq^r Oct^r 30th 1764 for the Hon^{ble} General Monckton, by Lieut. Governor Colden

VIZ Half of the Governor's Salary from the 1 st of June last to the 1 st September	£ 225.. 0..0
Half of the Governor's Fees Receiv'd for Campbells Patt ^t	62..10..0
Half of D ^o for the Provincial Officers Pattent	150.. 0..0
Half of D ^o for Kemp & others their Pattent	51.. 5..0
Half of D ^o for Turner & others their Pattent	156.. 5..0
Half of D ^o for DeForest & others their Pattent	31.. 5..0
Half of the Governor's Fees Received from the Custom House from July 5 th 1763 to July 5 th 1764	69..16..10½
	<hr/> £ 746..01..10½

Rec^d 30th Oct^r 1764, of His hon Lieut Gov Colden the above Sum of Seven Hundred forty & Six pounds One shilling & ten pence half penny for half of a Quarters Salary ending 1st Sept & Sundry Land patents particularizd in the above act

£ 746..1..10½ Jn^o Watts

Account of Money Paid to John Watts Esq^r January 24th 1765 for the Hon^{ble} General Monckton, by Lieutenant Governor Colden

VIZ. Half of the Governor's Salary from the 1 st Sept ^r to the 1 st of December 1764.....	£ 225.. 0..0
Half of the Governor's Fees Receiv'd for the Artillery Officers Pattent.....	150.. 0..0
Half of Cash Received from Mr Banyar on Account of Fees Received for the Governor in the Secrettarys Office	327..12..6
Half of the Governors fees received at the Custom House from the 5 th July 1764 to the 5 th January 1765	34..18..7½
	<hr/> £ 737..11..1½

Rec^d 24th Jan^y 1765 of the Hon^{ble} Lieut. Gov. Colden the above sum of Seven Hundred & Thirty Seven pounds 11/1 1/2 for 1/2 of a Quarters Salary & Sundry Fees, particularized above in said Acct
£ 737..11..1. Jn^o Watts

Rec^d 22. May 1765. of the Hon^{ble} Cad^r Colden Esq^r One Hundred & fifty Six Pounds 5 sh. half the Fees of Mr Shaw's Patent & Two

Hundred & twenty five pounds the half of a Quartrs Salary [ending?]
 the first of March, both on Acc^t of Gov. Monckton
 £ 156.5 Jn^o Watts
 225.

Receiv^d 17th Dec^r 1765 of the Hon^{ble} Cad^r Colden Esq^r Two Hun-
 dred & Twenty five pounds, the half of a Quarters Salary Ending the
 first of June on Acco^{tt} of Gen. Monckton,—in behalf of John Watts
 £ 225.. Rob^t Watts

Rec^d 24th Febr^y 1766 of his Hon. Lieut. Gov. Colden, Three hun-
 dred Seventy five pounds Nine shill^s & Three pence on Acc^t of
 Gov^r Monckton & Acc^t rendr^d
 Jn^o Watts

£ 375..9..3

[Indorsed]

Mr. Watts Receipt for £ 746:01:10½
 paid to him for General Monckton

From John Tabor Kempe

Sir

In Consequence of an Application made to your Honor
 by Robert R. Waddel on behalf of Waddel Cunningham
 to permit and allow an Appeal pursuant to his Majestys
 thirty second Instruction to his Excellency Governor
 Monckton from the Supreme Court of Judicature of this
 Province to your Honor in Council in a Cause brought by
 Thomas Forsey against the said Waddel Cunningham for
 assaulting and wounding him with a drawn Sword, in
 which Cause the Jury gave the Plaintiff fifteen hundred
 pounds Damages, I received your Honors Commands
 yesterday noon to give you my Opinion what is proper
 to be done in Obedience to the Royal Instruction, and at
 the same time I understood from your Honor that M^r
 Waddel expects in Consequence of his Application, not
 only that the Record and the Judgment should be re-
 moved before you in Council, but also the Evidence given
 in the Cause, and contends that it is the Sense and mean-
 ing of the Instruction, that your Honor and the Council
 are on such Appeals to determine the Merits of the Case
 on the Matters of Fact, as well as on the Points of Law.

This is a point of so much Consequence that I could
 have wished I had Sufficent time allowed me to give it
 that Consideration its Importance requires for a mistake
 of the Sense of the Royal Instruction, must injure one of

the parties by imposing the due and intended Course of Justice. Yet as your Honor requires it I will endeavour to give my Sense of the Instruction understanding your Honors desire of my Opinion what is proper to be done, in that Light.

From my present view of this Instruction as it is not directed in express words I do not see that it must be concluded his Majesty intended to constitute the Governor and Council a Court to try any Cause *de novo* as far as relates to the finding of Facts, but incline to think the Instruction means to provide for the Subjects here relief for Errors in Law, similar to what the Subjects may have in England by Writs of Error, and for that purpose constituted the Governor and Council a Court to give such relief as is given in the Exchequer Chamber in England, with an Appeal over to his Majesty in Council as the dernier resort, as the Subject in England from the Exchequer Chamber may carry his Cause to the House of Lords as his dernier resort.

My Reasons for conceiving this the Intent of the Crown and that Errors in Law only and not matters of Fact are the Subject of the Instruction are 1st It is a Maxim in Law *ad Questionem Juris respondent Judices ad Questionem ad Questionem Facti Respondent Juratores*, and that the Crown intends to invest the Governor and Council with any other powers than that of Judges is not declared, for it is not directed in express Words that the Governor and Council shall try the Facts *de novo*; and supposing them only a Court of Errors, the Subject here is just in the same State he is in England, and the proceedings agreeable to the Common Law
 2^{dly} The Courts of Common Law do not take in Writing the Evidence given before them, but the Witnesses are examined *viva voce* in open Court, consequently no Evidence can be returned up from the Courts of Common Law for the Governor and Council to judge upon, (except where there is a Demurrer to Evidence), and it must often happen that the same Witnesses may not be to be had on the hearing before the Governor and Council, and

the party's Cause stand in less proof before them than when it was first Tried.

3^{dly} The Instruction orders the Governor "to issue the Writ in the manner which has been usually accustomed" and by this I conceive a Writ of Error is meant, as the Common Law Writ on those Occasions, and indeed I know of no other for this purpose, and this is the Writ ever used here of which many have been brought returnable before the Governor and Council. And on this Writ nothing is returned up but what is in the Record and Facts are not determined on Writs of Error but matters of Law only.

4^{thly} The Instruction further contains these words that "*such of our Council as shall be at that time Judges of the Court from whence such appeal shall be so made*" to you our Captain General or to the Commander in Chief for the time being, and to our said Council as "*aforesaid shall not be permitted to vote upon the said Appeal*, but they may nevertheless be present to give the Reasons of the Judgment given by them in the Causes wherein such appeals shall be made. This appears to me a further Proof that the Crowns intent is such as I conceive and that by the Word appeal is meant only such recourse to another Court as is usual in the Common Law that is, from the Judgment of the Court in matters of Law, and not from the Verdict of the Jury on matters of Fact, for the Judges being debarred from voting on the Appeal, I humbly conceive is founded on the Supposition they had given their opinion in the Court below, and could not therefore be indifferent persons, but this can not be the Case where matters of Fact are the Subject of the Determination; for the Judges in the Courts of Common Law give no Opinion on or determine no matters of Fact, and consequently as to those will ever be entirely indifferent, and as the Judges are debarred from voting on every Appeal as not being indifferent, I presume nothing but matters of Law in which only they could be under a byass was intended as a Subject of an Appeal for if on any Appeal they could be conceived indifferent, it is to be

supposed his Majesty would not have prevented their voting on it, as they from being accustomed to provide in Questions of property must be presumed to be good Judges of Evidence.

5^{thly} I would beg leave to add to this, as I understand this Opinion is contrary to the practice gone into in some of the Provinces, that the Judges of the Supreme Court last Term, on Application to them in Court by the Friends of M^r Cunningham, delivered it as their Opinion that a Writ of Error was the writ meant by the Kings Instruction

On the whole Sir as I humbly conceive the Kings Intent to be, that only the Errors in Law should be considered and not matters of Fact tryed on an Appeal, I think a Writ of Error only should issue to bring the proceedings before your Honor and the Council, but as from the Shortness of the time allowed me this is an Opinion formed in too much haste on a Subject of so much Importance. I am happy that your Honor intends to take the Opinion and Advice of the Council on this Subject this Morning, for as the Enquiry is not so much on a point of Law, as on the Intent of the King Expressed in the Instruction, your Honor and the Council will be much better able to collect the Royal Intention than

Sir

Your Honor's

most obedient & most humble Servt

J. T. KEMPE

New York Oct^r 31st 1764

Gov^r COLDEN

[Indorsed]

Att^y General's Letter relating to
a Writ of Appeal

*Deposition of Aaron Potman, Abraham Quackenbos,
Lewis Davis & William Printup, in relation
to the Kayaderosseras Patent*

[Copy]

COUNTY OF } This day appeared before me Peter
ALBANY } Cannin Esq^r one of his Majestys Jus-
tices of the Peace for the aforesaid
County, Aaron Potman, Abraham Quackenbosh, Lewis

Davis, and William Printup, all of the said County Farmers who being all duly sworn on the holy Evangelists of the almighty God depose & say, and first the said Aaron Potman deposeth and saith that he is well acquainted with the Country wherein the patent of Kayaderosseras l^ys and is scituate, & that he is not in any wise concerned in any Determination Relative thereto. That he has for these twenty Years or there abouts heard the Mohock Indians (with whose language he is Acquainted) complain of the unreasonableness of the said Patent, & affirm that neither they nor their Ancestors ever sold any Lands to any thing near the ammount therein comprized, neither did they or their ancestors ever receive any consideration for the small quantity which they heard was sold that the Indians were greatly concerned thereat; and that the chiefs have frequently spoke to y^e depo^t on the injustice thereof. The deponent further deposeth that he never heard that any survey or Partition thereof was ever attempted or made, and that the first settlers persons who settled thereon were two Familys about thirteen year ago, who did not settle there either by the desire or to the knowledge of the Proprietaries or their Agents, or has he ever heard of any other Settlements made thereon, unless that of a very few Whom the Deponent has heard have lately settled towards Hudsons River. The depon^t Abraham Quackenbosh deposeth & saith that he is well acquainted with the Mohock Language and with the Country wherein the Patent of Kayaderosseras is scituate, that he lived for about fifteen years in the Neighbourhood of the lower Mohock Castle And that he well remembers that for these twenty years past, the Indians of that Castle have complained to the deponent of the great injustice of the patent called Kayaderosseras, which they looked upon to be fraud[ul]ently obtained that the said Indians did not formerly give themselves much concern about it, as they said it was so great a fraud that no persons would attempt to lay claim thereby, that he knows of no settlers ever thereon, that he has heard of two

Familys having settled in the woods which might Probably be comprized in the Pat^t but that they did not take their farms from the Proprietaries, their claim being considired in the Country as of no importance. The Depo^t further deposeth that about thirty Years ago he was told by *Ariva*, the chief of all the mohocks, that a great many years before an Indian of the Mohocks was asked by Nann^s Visger [Visscher] a man at Albany the names & Situation of some Lakes & Creeks now comprized as the Deponent is informed in the said patent, all which the Albany Man committed to writing, that he might the better remember them as he told the Indⁿ, that on the Indians return to his Castle & reporting what passed, all the Mohocks said that they suspected the Albany Man was about to cheat them of their Lands, whereupon some of them went to Albany & spoke to the man who declared an inclination to make a small purchase from them but y^t they did not come to any fixed determination, & that neith[er] the said *Ariva* or the Indians of the Mohocks ever heard any more about it, the Depo^t further deposeth that the said *Ariva* observed much at the time of the aforementioned conversation of the unjust Measures of many of the White people about Indian Lands, & Said they were so covetous that if the Indians gave them a hand they would take an Arm; & the Depo^t further deposeth that he is in no wise concerned in any Issue or determination relative to the said Patent.

The Deponent Lewis Davis, deposeth that he is acquainted with the Mohock Language and well acquainted with the said Indians for above forty years, that he never heard of the Patent of Kayaderosseras except from confused reports untill about Twenty years ago that he heard one M^r Nelson was about running some lines there, but was prevented by the Mohocks who fired upon his horses where upon he desisted, & the Depo^t never heard that any thing was done since or any persons ever settled on the said patent either by the Proprietaries or any ag^t for them, but that he has frequently heard the Mohocks say

that the said lands were never sold by them or their Ancestors and the depo^t further deposeth that he is not in the least concerned in any Issue or Determination relative to the said Patent. The Deponent William Printup deposeth that he is perfectly well acquainted with the Mohock language, having been formerly an Interpreter thereof, that about Fourty Years Ago he heard a conversation between his Fay^r (who was also an Interpreter) & a Mohock chief called Hendrick, who had been in England in the Reign of Queen Anne wherein among other things the Depo^t further asked the said Hendrick what he knew concerning a Tract said to be Bought by Nanning Visger [Visscher] called Kayaderosseras, of which Tract the Depo^{ts} Fay^r heard some discourse, that the said Hendrick said that he had heard it reported that one *Dekowwyadirha* a Mohock had taken upon him to sell to the said Visger some Wood Land near Saratoga nigh Hudsons River which the said Hendrick said the Indians the more suspected as said *Dekowwyadirha* had given Visger a Description thereof as was reported, that thereupon the Depo^{ts} Father asked the said Hendrick whether it was looked upon as a good sale, to which the Said Hend^k answered it was not, as it had never been done by the cons^t or with the Knowledge, of the Chiefs, neither was it Paid for, adding that *Dekowwyadirha* had only sold a small piece of Woodland for his own private advantage.

The Depo^t further deposeth that repeatedly Since y^e formentioned Period he has heard the Mohocks universally declare that they never sold the said Patent, & that the same was unjust. The Depo^t further deposeth that the s^d Pat^t was never surveyed or Partitioned, neither has been ever heard of any Settlers placed thereon, by the Proprietarys or their Agents, but that two Familys settled in the Woods of their accord some years ago on lands which may Possibly be comprized within the Limits Exclaimed by s^d Patent. And the Depo^t further deposeth

that he is not in the least concerned in any descision whatsoever relative to the s^d Pat^t of Kayaderosseras, & further the Depo^{ts} say not

sworn before me the third of Nov^r 1764

From Sir William Johnson

JOHNSON HALL Novb^r 3^d 1764

Dear Sir

On my return from Conajohare I received your kind favours of the 15th & 22^d Ult^o., and I am much obliged to you for the Draught of the favourable & Friendly letter you intend for the Lords of Trade.

I was not much surprised at the low unjust insinuation concerning Abrahams Speech. I have been accustomed to such Treatment, haveing always found that a strict regard to Equity and my Trust renders me obnoxious to Interested People & their Connexions.

As the House of Assembly in their answer propose my reconcileing the Indians to the Patent, I should be glad you would inform me whether I should answer it, as they have not made any particular application. If necessary I can easily let them know the impropriety of my endeavouring to persuade the Indians to Submit to a Claim which I know to be unjust, and which the Indians are resolved to oppose. Indeed the frivolous arguments made use of by the House in support of the Pattent can be all refuted, as they must have arisen from their Ignorance of the Subject. The pretence assigned to excuse the non settlement of the Tract is a verry gross error, much y^e greatest and best part of it lying infinitely less exposed to the Incursions of an Enemy than any of the Mohawk River Settlements, or Stoneraby, which being good old Farms & well known are more tempting, as well as more convenient for being attacked. I settled above 100 Familys dureing the heat of the War, to the North,

& North Westward of y^e greatest part of it, and they never were molested.

As you recommended to me to obtain the strongest Proofs in the affair, I Judged it expedient to have four of the Oldest Farmers not interested in the Decision examined upōn Oath before a Justice, a Copy of which Examination I herewith enclose You, and I have sent the like to the Lords of Trade, as the same may tend to Illustrate the Matter. I shall be much oblinded to You for a Copy of the Indian Grant of Kayadarosseras. I have already the Bounds of the Pattent. I have taken the liberty to make an alteration of the Sum you mentioned I had given the Indians for my Tract. It was 1200 Dollars, & I do assure You I have given severall Sums since to the Indians on that Acc^{tt}, I have also made 2 or 3 Small Additions which I hope you will approve of. M^r Croghan who is Just returned from England informs me that two or three of my friends there who knew something of the Affair had laid it before the Lords of Trade, who seemed disposed to order the Grant, this will I hope lessen the difficulty in obtaining it.

The Conajoharees have been again with me about Cobus Maybe, who resides without Pattent on their planting Lands, as mentioned in my former letters, I should be glad you would write me soon on that Subject.

The Surveyor will have done in about 10 Days, when you will receive a Coppy of his Survey, together with the Letter you drew up, that the same may be sent to England agreeable to your kind intentions.

I am sincerely with all due respect

Dear Sir

Your most Hearty Welwisher & verry Humble Servant
W^m. JOHNSON

The Hon^{ble}
Lieut. Gov^r COLDEN

From Edward Sedgwick

ST JAMES'S, 10th Nov^r 1764.

Sir,

I duly received the Honour of your Letter of the 21st of September, with printed Copies of your Speech to the Council and Assembly of New York, and of the Council's Address to you thereupon, which I immediately laid before the Earl of Halifax.

His Lordship received at the same Time your Letters of the 22^d of the same Month, and directs me to acquaint you that He lost no Time in transmitting the Depositions relative to the Seizure & Confiscation of Mess^{rs} Crugers Vessell off Hispaniola, to His Majesty's Ambassador at Paris with His Majesty's Commands to make proper Remonstrances thereupon to the Court of France.

I am with great Truth and Regard,

Sir,

Your most obedient humble Servant

EDW. SEDGWICK.

CADWALLADER COLDEN Esq^r Lieut Gov^r of New York

From Gov. Montagu Wilmot

HALIFAX 10th Nov^r 1764

Sir

I had the honour to receive your favour, touching the Post Office, & its Delays, I imagine these Letters to be circular on that occasion, not having any particular object in view, but as intended to spirit the whole up to a performance of their Duty the neglect of the most minute part of which might be attended with circumstances obstructive of the Governments service. Sir you very justly observe that Boston Post Office have been guilty of these neglects, or at least the Agents, for the Province heretofore have not paid that Attention to their Duty which might have been Expected from them, & I can with truth assure you that I have recd. Letters forwarded by Mr

Watts of New Yorke (a Dispassionate and truly disinterested Person) which came from Places the most remote, more safely & secure than such as I have recd. from the Secretary of state on affairs which required Dispatch. This consideration will Lead you Sir to conceive, that a neglect of this sort requires more attention than perhaps appears at first sight. I have the Honour to be with a very respectfull attachment and Esteem.

Sir

Your most obedient & most Humble Servant

M. WILMOT

The Honble

CADWALLADER COLDEN Esq^r

Lieutenant Governor of New York &c. &c.

From John Tabor Kempe

Sir

Since receiving your Note, I have searched every Reporter in my Office, and every other Law Book I have where I could have any Prospect of finding any Vestige of the appeal you mention, but can find nothing of it, & have sent and searched M^r Smiths Office, as he has a Collection of many Reports that I have not, but it could not be found there, I doubt whether any Reporter has mentioned it, if he had I think I must have found it, The Act of Parliament you refer to is I believe the 6^t Geo: 1st Cap: 5^t which I have sent by the Bearer.

In searching for the Case you mention I have found a Case to this Purpose that a Writ of Error will not lie in the House of Lords in Ireland, I have sent that Case it is in 1st Rolls Reports pag 17 near the Bottom, I find Appeals from the Court of the Stannaries in Devon & Cornwall, in my Lord Cokes 4th Institute pag 230 at the Bottom which Book I have also the Honor to send you

I am Sir

Your most obedient humble Serv^t

J. T. KEMPE

Friday Afternoon

16th Nov^r 1764—

Gov^r COLDEN

BETWEEN Waddel
Cunningham
Claiming to be
Appellant
and
Thomas Forsey
Respondent

Reasons offered by Daniel Horsmanden Esq^r Chief Justice of the Province of New York to his Honour the Lieu^t Governor, and the Honourable His Majesty's Council for the said Province against returning an Instrument under Seal whereby all Proceedings on the Verdict lately obtained by the said Thomas Forsey against the said Waddel Cunningham, in the Supreme Court are Commanded to be stayed, and an Other Instrument under Seal, whereby the Justices of the s^d Supreme Court are commanded to cause the Proceedings whereon the said Verdict was founded, to be brought before the Lieutenant Governor and the Council.

I beg leave to prefix a state of the Proceedings between the Parties, in order not only the more clearly to avail myself of those Reasons but also in compliance with my Oath of Office, by which I am Bound to Certify the King's Majesty of the Proceedings on which those Instruments which I consider as Letters in Delay of Justice, are said to be Grounded.

On Wednesday last I Brought into this Court those Letters.

And as both the Prohibition and Command appeared to me unwarrantable I thought it my Duty to obey neither; but to lay the Instruments before you, and to Assign my Reasons for the part I acted on this new and Extraordinary Occasion,—The Liberty you gave me to reduce the Substance of what I then Offered to Writing as it affords me an opportunity to Express myself with greater perspicuity, is an indulgence for which I return your Honour and the Council my Hearty thanks.

The Suit which Occasioned those Letters to the Judges (for they are directed to us all) was an Action of Trespass Brought in the Supreme Court, in which the Plaintiff Forsey declared for an Assault, Battery and Wounding, to his Damage £5000.—upon which the cause was at Issue, on the Plea of Not Guilty; and the Jurors in the last Term of October, found for the Plaintiff; and assessed his Damages at £1500.

The Pannel consisted of a Special Jury of Freeholders struck at the Defendant's Request, no challenges were made to either of them. The Trial took up Twelve Hours, no Evidence that was offered by either party was refused to be admitted by the Court,—All the Judges were upon the Bench,—the Plaintiff had three, and the Defendant four Gentlemen attending as their Council,—the Proofs were largely Summed up on both sides,—and the Barr and Country must unanimously declare that the Trial was Regular and Solemn; and conducted with the utmost fairness and Deliberation.

On the 27th of the Month, tho' the last day of the Term, on which no special Motions are made, the Council for the Defendant were indulged with a Motion for a New Trial; but no reason being Assigned but a Complaint that the Damages were Excessive which did not appear to the Court to be well founded; and the Trespass being very atrocious, and the Proofs clear, the Court over-ruled the Motion.

It affords Strong Ground of Presumption that the Process and pleadings are Regular, since no Writt of Error has been yet offered to us, the Verdict of the Jury must therefore be the sole cause of Complaint, and Relief against that is now Expected from your Honours.

This seems to be founded upon an Erronious Interpretation of the thirty Second Instruction given by His Majesty to the Governor of this Province, a Construction which I could not countenance, by an obedience to the Letters sent to me, for the following Reasons.

1^{stly}. Because it supposes the Royal Order to Aim at altering the Ancient, and wholesome Laws of the Land.

By the Common Law of England the Trial of Facts is intrusted to the Jury; and the Power to declare the Law upon them is committed to the King's Judges, these are distinct Provinces, and the Limits between them guarded by invariable usage, and the most incontestible authorities. The Errors of the Judges may be corrected by superior Judicatories; as for Instance those of the King's Bench in the Exchequer Chamber and by the House of Peers. But in all these Removes, the Verdict of the Jurors suffers no Re-examination; but is final and decisive. This is the Law at Home.

The Supreme Court here proceeds in the main according to the Practice of the Courts at Westminster and the Common Law of England, with the Statutes affirming or altering it before a Legislature was established here, and those passed since such Establishment expressly extended to us, with our own Legislative Acts, (which are not to be repugnant to the Laws of England) constitute the Laws of this Colony,—and tho' there are many Instances of Judgments Reversed and affirmed in a course of Error, before the Governor and Council, I do affirm with the highest confidence that not one Verdict was ever re-examined by any superior Judicatory in the Province.

An Attempt then to re-examine the Verdict of a Jury, is repugnant to the Laws both of England and this Colony.—This is well known to the Crown and to suppose that His Majesty designed to change the Law, and that too in one of its most importance articles is certainly absurd;—and being Dangerous both to the Prorogatives of the Crown, and the Liberty and safety of the Subject, it is in my Humble Opinion highly Criminal to Assert that the King's Order has any such Aim. nor

II^{dly} Is there any shadow of Reason from the Words of the Instruction, to countenance such a Bold Interpretation.

'Tis true the Governor is to permitt and allow appeals from the Court of Common Law, and who can deny but that in common Speech, the Bringing of a Writt of Error as it carries the Cause from a lower to a Superior Tribunal

is an appeal,—And surely that must be the best Explanation, which satisfies the Term, without altering the Law, especially if we consider that the Royal Instructions given before the year 1753, adopted that very Term as applicable to cases of Error; the Words of the former Instructions running thus. “YOU ARE TO ALLOW APPEALS IN CASE “OF ERROR FROM ANY OF THE COURTS OF COMMON LAW”, and that such is the meaning of the appeal mentioned in the present Instruction as it is understood by His Majesty in Council will appear from the Case of Gordon and Lowther 2 L^d Raymond 14.147; Add to this, that the present Instruction does itself refute the Interpretation, upon which this Measure is founded, for you’ll be pleased to Observe.

- (1) That the Truth is that all the Appeals we have had I except none, have been in Error and prosecuted by Writts of Error: and it being His Majesty’s Pleasure that the Governor upon appeals, “shall Issue a Writt in the Manner which has been Accustomed.” no Other appeal than by such writt is directed.
- (2) The Judges of the Supreme Court, the Members of the Council are forbidden to Vote in the Decision above; for which I can assign no Other Reason than because they are supposed to have prejudged the cause especially as leave is nevertheless given them to render the Reasons of their Judgment, as the Judges do in England upon Error brought before the Peers; and as they are only Judges of the Law and not Triers of the Facts, these Causes evidently imply that the appeal given is only in Error, and not upon the Verdict of the Jury.

Besides this numberless objections against a contrary construction may be drawn ab Inconvenienti, permit me to mention a few.

I. Who is ignorant that in the Courts of Common Law the Evidence of the Witnesses to the Jury is all Viva Voce? It Results therefore that they can transmitt noth-

ing but a Transcript of the Record which contains no part of the Proofs—the Court above remains then uninformed of the Facts upon which the Verdict was given, and cannot adjudge upon them without a Re-examination of the Witnesses, against that attempt several Objections instantly Occurr. I will hint at but two.

(1) The Cause must be made *Res integra*; for the Want of Written Memorials of the first Evidence renders it impossible to confine the Proofs above, to what they were in the first production to the Jury.—and so the trouble and charge of the Trial to the Parties, Court and Country were all to no purpose; and

(2) It tends to open a Flud-gate to Perjury; for both Parties being now apprized of the Proofs which were secret 'till the first Trial, every effort will be made to blacken the Character of the most material Witnesses, and to supply all former deficiencies.

And from these Sources such Streams will flow as would extort the Groans of all who delight in the due Administration of Justice.

II. The appeal contended for impeaches the Wisdom of our Law in that distinguishing article of Trials by Jury; since all Verdicts in causes above the Value of £300... Sterling would be Worse than in Vain.

III. It will encourage a Spirit of Litigiousness, and introduce Idleness, to the Ruin of many Families and the great Impoverishment of the Country.

IV. The Expençe attending such appeals will be intollerable, as the Proofs before the Governor and Council must Necessarily be reduced to Writing, to form what Civilians call the *Apostella* for the next remove of the Cause to his Majesty in Privy Council it will follow that according to their Usage there must also be Interrogatories, Cross-Interrogatories, Examinations and Cross-Examinations, and the production of Exhibits, and he that is acquainted with the process of the Civil Law Courts, will readily agree that the Evidence introduced on a common Law Trial of Twelve or Twenty four Hours, especially when Titles to Real Estates are in Question,

and Deeds offered, will if Reduced to Writing swell the apostels to a Size so enormous, that the Trouble and charge of the Suit will often surpass the Value of the thing in Demand,—and it may be of use to observe here as a farther Proof, that it was not the Object of the Instruction to allow appeals upon the whole Merits, that you have not officers to Transact the Business that would thereby be Introduced, the Court of the Governor and Council having neither a Register nor Examiner to this day appointed by the Crown.

V. It would be impossible for these Courts of appeal to discharge the Duty to which they would in such case be Obligated. The Governor and Council must set *de die in diem*, all the year round for the Business of their Colony—and how then can His Majesty in Privy Council, besides attending to the Arduous affairs of His Kingdoms, examine all the Tedious Complaints brought up from all the Provinces for his Royal Decision?

VI. To what an Amazing insecurity and Danger must the Subject according to this project be reduced and exposed!

Let me specify a few Instances.

(1) As the Expence so the Delays will be Infinite. How great then the Encouragement for contention? What wrongfull possessor and debauched Tenant will give up his unjust Defence? What Trespasser will pay the Damages of an injured Plaintiff, when as in this Case, the Death of either party is the perpetual extinction, not only of the Suit depending, but the very cause of Action? What Loser will not appeal upon the bare presumption that the first Witnesses against him may be Dead, or Absent, on the new Trial?

(2) Witnesses of good and bad Characters will have in effect equal Credit with the Judges, for they and those by whose Testimony they are to be supported or discredited will all be unknown by the Judges who are to pronounce upon their Evidence on the appeal.

(3) New modes of Introducing Proof will necessarily Establish new Rules relative to them, and as all special cases cannot be foreseen, nor provided for, the Subject will

be tried by new Laws, and often by Laws unpromulged, or to speak more properly by the Dictate of Power without Law.

These are some of the Reasons which induced me to be of Opinion that the King's Instructions do not countenance the Exercise of any Judicial Authority to reverse the Verdict of a Jury. And as they give me the fullest satisfaction I shall forbear assigning any Others, tho' there are many. The first is sufficient for us, who sit as Judges. The Law Warrants no such Letters as those which the Defendant sued out and delivered to me. We have taken the Oath prescribed by the Statute of the 18 of Edw^d 3. and have Sworn "to deny no Man common "Right by the King's Letters, nor none other Mans, nor "for none Other Cause; but to proceed to Execute the "Law notwithstanding the same Letters."

Upon the whole therefore I cannot avoid complaining of these Letters, as an unwarrantable abuse of the King's name, and his Judges. He that sued them out, did it at his Peril; and ought to Answer the Contempt—They are not only against Law, but couched in Terms very disrespectfull. We are commanded to Obey at our Peril, and as an Outrage upon all the Rules of Decorum, one part of the abject duty enjoined upon us, is to notify the Plaintiff Forsey even of the Indignity offered us.

I have only to add, that as the Power of Administering Justice is one of the most Important of all Powers, it ought not to be assumed without the clearest Authority—none of your Predecessors ever heard an appeal from the Verdict of a Jury,—my long Residence in the Colony, and Seat on the Bench and at the Board of Council have given me opportunities for some considerable Experience; and I know of no attempt, 'till this, to bring such an appeal—and from the Refusal of Counsel to support the Defendants application you may Naturally conclude that the whole Body of the Law consider it as illegal—whether a Single Word in the Royal Instruction, will Warrant your Assuming this great and important power, I submit to your own Deliberations; not doubting but that many

Objections will arise in your own Minds, which have been omitted by me, and might have been suggested by my Brother Justices who are now unfortunately all out of Town.

19th Nov^r 1764—

[Indorsed]

CUNNINGHAM & FORSEY

DAN HORSMANDEN

From Sir William Johnson

JOHNSON HALL Novb^r 20th 1764

Dear Sir

Since my last to you of the 3^d Inst wherein I wrote you fully, I have been a second time to Conajohare, and finished that part of the Survey which M^r Vroman left undone when he went to York, and as soon as he returns, the Survey will be sent down.

Whilst I was at Conajohare the Sackims of that Castle, with much concern let me know that George Klock was about sending his Son George Klock Jun^r. to Europe, and that He had by some wicked underhand means or other prevailed on a Couple of Indians of that Tribe to Accompany his Son to England &ca. They are all so verry uneasy at it, as also about those who carried away last Year, & not yet heard of, that they most earnestly requested y^t Klock might not be allowed to carry them away by any means. This Klock, has occasioned me infinite trouble these Several Years & y^e Crown much expence to settle y^e many differences & Quarrels which he has (from low Interested views) occasioned & fomented between the Indians & Whites, as well as between the Indians themselves who are divided in Partys by his doings, and live no more in friendship with each other as usual, but like Enemys, neither can I prevail on those who live in a constant Scene of Drunkenness about his House & place, to pay any regard to my Admonitions as they formerly did so that in fact he has debauched & taken away so many of those, who were ever before, firm friends to the English Interest

and as I am fully convinced that his Motives for Sending those two Indians with his Son &ca to England, are wicked & calculated only to serve his (& perhaps his Associates) sordid Ends, at y^e Expence of the Peace of this part of the Country. I must request you will prevent His takeing the Indians with him as it will inevitably be productive of much trouble.

It gives me infinite concern to find that nothing has been done this Campaign (notwithstanding y^e Immense Expence which the Mother Country & Governments here have been at this Year, in Sending Armaments against those Nations of Ind^s who remained obstinate) but what will greatly redound to our discredit in the Eyes of all the Indian Nations. Affairs between Us the *Shawanese, Delawares* & other *Indians of Ohio* being by all Acc^{ts} still verry confused & unsettled, as they realy must be, having neither fought them, nor brought them to our Terms, What then must they and all others think of Us. *This is enter Nous.*

What I have now said concerning Klock is only to yourself, and I shall be extremely glad, would you give me your opinion what steps can be taken agst him for Interfereing with me as he does in my department. If the Plan at present in hand at Home takes place it will enable me to prevent such Persons meddleing with the Indians hereafter.

I am with y^e utmost sincerity & respect

Dear Sir

Your most hearty Welwisher & Humble Servant

W^m. JOHNSON

The Hon^{ble} Gov^r COLDEN

From George Harrison

Sir

Agreeable to your Honors request I now send you an Extract, from my Register, of the Conversation that past in the fort in Tuesday the 30th of last month, relative to

M^r Cuninghams application for an Appeal, and is as follows.

Upon M^r Waddell & myself comeing into your Honors room, we found you in Conference with M^r Kemp, who you desired to advise you what was proper for you to do, and that he would draw a proper writ to bring the Matter before you, to which he answered that he could not advise you, and that he knew of no writ, but a writ of Error that could bring the matter before y^r honor & the Councill, to which you replied that M^r Waddell did not want to bring it up by writ of Error, but upon the merits of the Case and that he, as Attorney General was the properest person to advise you, & make out the writ, to which M^r Kemp Answered, that he knew of no such writ and therefore he could not Draw One, upon which I asked him to Explain to me the nature of a writ of Inhibition upon which he told me that a writ of Inhibition or Injunction were much the same thing, why then replied I may not such a writ Answer the purpose. No Sir says he, I never knew of such a thing in Courts of Common Law, tho' they are very Common in Civil Law Courts, and therefore I cannot do it. Whereupon your Honor turning to M^r Waddell and my self, told us to Attend on the Morrow and we should then hear further of it, and that for your part you was determined to do what you thought right, without regard to any Man. We then took our Leave, and left M^r Kemp with you.

I beg your pardon Sir for not sending you this Earlyer, but I have bin so hurried in writing all this week, that I had really forgot 'till this morning, I am with the greatest Respect your Honors

Most Obed^t Serv^t

GEORGE HARRISON

N York 24th Nov^r 1764

The Hon^{ble} CADW^R COLDEN Esq^r Lieut Governor &c &c
[Indorsed]
from G. Harrison, with an abstract of his
Minutes of Notary Public

*From Philip Stephens*ADMTY OFFICE 26th Nov^r 1764.S^r

My Lords Commissioners of the AdmtY having sent by the Cornelia Merchant Ship, William Montgomery, Master, bound to New York, a Box, directed to Lord Colvill, Commander in Chief of His Majesty's Ships in North America, at Halifax, and directed him to deliver it to you; I am commanded by their Lordships to desire you will please to cause the said Box to be forwarded to Lord Colville at Halifax, in North America; by the first Conveyance. I am,

Sir,

Your Excellency's

most Obedient humble Servant

PH^p STEPHENS

His Excellency R^t MONCTON Esq^r, or in his Absence to
Lieut. Governor of New York
[Indorsed]
Admiralty Office

*From Gen. Thomas Gage*NEW YORK Nov^r 27th 1764.

Sir,

The Remainder of His Majesty's fifty Fifth Reg^t being ordered down here in order to be sent Home, and the 30th Reg^t to be disbanded; I have as Customary, sent to beg the Mayor would provide them the allowance of Fire-Wood usually allowed the soldiers who were in the Barracks in this City. The Mayor returns for Answer, that He has no Funds for these Purposes; and further, that there is no Law to Quarter soldiers in the Publick Houses, as practised in England. You will excuse my Troubling you in this Business, as I am at a Loss to know how I can supply the soldiers with Fuel; and beg the Favor of you to use your good offices with the Magistrates, that they may fall upon means to furnish the Barracks with Fire-

wood in the same Manner as they have hitherto done. I
am with great Regard,

Sir,

Your most obedient humble Servant

Hon^{ble} Lieut Gov^r COLDEN

THOS. GAGE

*Report of John Tabor Kempe Concerning the
Southold Indians*

To the Honorable Cadwallader Colden
Esquire Lieutenant Governor and Com-
mander in Chief of the province of New
York and the Territories depending
thereon in America.

In Council.

May it please your Honor.

I received the Order of this Honorable Board of the
26th Sep^t last, made on Complaint of the Southold
Indians claiming Lands in that Township, whereby I
am commanded as his Majesty's Attorney General for
this Province to commence Suits for the Recovery of the
Lands of Right belonging to the said Indians, unless the
parties in possession of or interested in the premises do
on or before the third Wednesday in Oct^r last fully satisfy
and content the said Indians in respect to the said
Lands, and the Agreement thereupon be laid before this
Board and approved of.

As I have yet done but little in pursuance of that
Order and as I doubt whether as a public Officer any
Thing is in my power to do to assist them least I should
appear wanting in the Respect Due to this Board I am
induced to represent the Reasons why no Suit has been
commenced by me in the Behalf of the Indians.

And first I am not possessed of sufficient Materials
to judge of the Validity of their Claim, and the properest
Method of proceeding to recover their Right if they have
any nor can I procure them from the Indians, who are
so extremely ignorant, that after many Endeavours for

that Purpose I cannot make them understand what I want, and I have nor can get no farther Instructions relating to their Title than what the Order of this Board contains, and the Copy of the Town Order mentioned in the Order of Council, on which I would beg Leave to make some Observations.

It appears that the Land the Indians Claim, is part of the Township of Southold, granted to the Inhabitants formerly by Letters patent, and I presume was purchased from the Indians, as they do not pretend the Contrary but claim under the Order made at the Town Meeting.

I understand that the Township was granted in Joint Tenancy and that all the Right the Inhabitants have to hold in severalty is the Orders made at their Town Meetings, and entered in their Minutes, & that tho this could convey no legal Title to hold in severalty, yet the Courts of Justice, considering the Ignorance of those Times, and the Confusion the Contrary would introduce, have admitted them as valid for that Purpose.

The Indians therefore if the Order respecting them is similar to those respecting the other Inhabitants, upon the same principles will have as a good Title as the other Inhabitants have there if their Right is not barred by any Thing subsequent to that Order.

But it does not appear this Town Order respecting the Indians is similar to those respecting the other Inhabitants—I observe they are prohibited from cutting Wood on the Common Lands—and tho for want of seeing any of these Town Orders respecting the other Inhabitants, I do not know whether there are any Words, in any of them allotting the Lands to the persons forever, yet I observe there is nothing in the Entry relating to the Indians from whence it can be inferred unless the Form of the Orders respecting the Inhabitants are in this Respect also deficient any thing more was intended than as a License to settle & Inhabit this peice of Land, as Tenants at Will to the Inhabitants.

If this Order should invest the Indians with a Fee Simple in these Lands in severalty as fully as the other

Inhabitants are by similar Orders, yet I am informed that in Consequence of the verbal Exchange made in the Year 1691, the Indians settled on Indian Neck, and that they never settled at South Harbour, if so the Statute of Limitations I fear will barr their Right, to the Lands at South Harbour. And I doubt whether it will be thought by the Judges, allowing the utmost for the Ignorance of the Times, that a bare Parole agreement can so operate as to give them a Right to the Lands at Indian Neck, if it has been possessed against the Indians within Sixty years.

I am also farther informed that there is some Instrument executed between the Indians and Inhabitants respecting one or other of these Peices of Land, but I cannot find out the purport of it, nor where it is to be found. The Operation of that is proper to be known before a Suit is commenced.

Your Honor will permit me further to observe that this Tribe of Indians, are the Kings natural born Subjects, and have a Right to be redressed by the Laws of the Land, and by the same Method of proceeding as any other of the Kings Subjects, and that I may be guilty of Maintenance should I sustain the Suit of one Subject against another and that as a public officer if this is not a Governmental Affair, as I conceive it is not, by maintaining the Cause of one Subject against another I am liable to very grievous punishment. For by the 1st Rich^d 2 "It is enacted that no person whatsoever shall "take or sustain any Quarrel by Maintenance in the "Country or elsewhere, on grievous pain, that is to say "the Kings Counsellors and great Officers on a pain that "shall be ordained by the King himself by Advice of the "Lords of this Realm, and other Officers of the King on "pain to lose their offices and to be imprisoned and ransomed and all other persons on pain of Imprisonment "and Ransom &c."

Upon the whole from the present View I have of the Indian Claim, it appears to me very doubtfull on their Side, but it is possible it may be cleared up by better

Information, I hope I shall be excused in giving my Opinion, that as they are poor and cannot bear the Expence of a Law Suit, when by sufficient Information their Title shall appear good and it can be known in what Method they should proceed, they ought to make Application to sue in Forma pauperis, when they will meet with the same Indulgence as the rest of his Majesty's Subjects, and have an Attorney and Council appointed to prosecute for them

I have the Hon^r to be Sir

Your most obedient & most humble Serv^t

J. T. KEMPE

NEW YORK NOV^r 27th 1764.

From Peter Collinson

LONDⁿ 10^{br} 7: 1764

I acknowledged the favour of my Dear Friends Letter of Augst: 11 & forwarded Doc^r Whyts

An affair has happen'd in your province which hath Given Our Society much concern—a young man of your Citty was called as a Wittness & refused to take an Oath, was threatned with fine & Imprisonment if He dot, being Intimidated He took it contrary to his concience & our Christian principle

Our Friends Here are much troubled to be informed of Such Harsh proceedings in a Country where all profess Liberty of Conscience.

I here Inclose for my Dear Friends perusal a Coppy of a Letter from our Society to One In y^r Citty In which will be Seen how the Case stands Here. and Wee hope for the Same Lenity from your Legislator

I know your Own Generous principals and what a Friend you are to Liberty, therefore I am the more perswaded of your kind Influence to metigate the Rigour of Such proceedings and what will be an additional Mark of your Tenderness, & Regard, to discourage as much as may

be our Friends being Summoned on Juries, in Cases in which they cannot Act consistent with their principles (I never was Summoned on a Jury) These Hints are Submitted with great difference to your prudence & Discretion by your Sincere & Affectionate Friend.

P. COLLINSON

[Indorsed]

To the Hon^{ble}
CADWALLADER COLDEN Esq^r
These

From Gen. Thomas Gage

NEW YORK Dec^r 7th 1764.

Sir,

It gives me great pleasure to be able to acquaint you, that by an Express arrived from the heads of the Muskingham, I am informed that the Shawnese and Delawares, and other tribes on the Ohio, have been reduced to the most humiliating peace, by his Majesty's Arms under the Command of Colonel Bouquet; and that a general peace is now made with all the nations who had risen in arms against Us. The perfidy of the Shawnese and Delawares, the Contempt they shewed us and the breaking thro' all the ties and engagements, which even savage Nations hold sacred amongst each other, made it absolutely necessary to reduce them by force, and to march into their Country: The troops under Col^l Bouquet have penetrated into the heart of their Settlement, and obliged them to deliver up, all their prisoners, even their own Children born of white Women, and to send deputies to Sir William Johnson to settle a peace upon such further terms as should be imposed upon them: for the performance of the last, and as a security that no further hostilities should be committed, a number of their principal chiefs have been delivered up as hostages above two hundred prisoners had been delivered into our hands, and more were expected from the Shawnese. Several of our parties had been sent into the villages of that nation, to

assist them in collecting the captives, and bringing them to Fort Pitt. I take the first opportunity to congratulate you on the happy conclusion of all hostilities with the Indian Nations, who had appeared in arms against his Majesty, and to enable you to give such notice as you see convenient to the merchants, that the trade may again be carried on with the several Nations. I am with great Regard

Sir

Your most Obedient Humble Servant

THOS. GAGE

Hon^{ble} Lt Governor COLDEN

From Earl of Halifax

St JAMES's 8th Dec^r 1764.

Sir,

I have receiv'd & laid before the King your several Letters of the 9th, 10th, 11th, 13th, & 14th of October, with their Inclosures upon the Subjects of Illicit Trade; the Establishing Ferries on the Post Roads; Stamp Duties; Escheated Estates in your Province; and the Enquiries you had made into the Complaint of the Spanish Ambassador by order of His Court: All which I have communicated to the several Branches of Government; to which they have Relation. And I have the Satisfaction to acquaint you that your Diligence & Exactness in obeying His Majesty's Orders have been much commended. I must observe that you should have sent the Inquisitions upon the Escheats to the Treasury & Board of Trade, they relating solely to those Departments.

I am with great Truth and Regard,

Sir,

Your most obedient humble Servant

DUNK HALIFAX

CADWALLADER COLDEN Esq^r Lieut. Gov^r of New York

From Sir William Johnson

JOHNSON HALL Decb^r 11th 1764

Dear Sir

I have to acknowledge the receipt of y^r favour of the 28th Ulto. I have also received the Copy of the Indⁿ. purchase of Kayadarusseras, w^h I must say is verry absurdly worded, altho it evidently points out a much smaller quantity of Land than is comprised by the Patent. I took notice of y^e proposal, for reconciling the Indians to that Pattent. You & I have been long acquainted with a sett of People who being solely governed by Interest, Judge of every Man from their own feelings & whoever will Maintain the dignity of the Crown, or endeavour to protect y^e Indians Just rights is always sure to feel the sting of Malice. Had their low insinuation any appearance of Truth, it might in some degree touch me, but altho I have sufficient materials by me to shew the error not to say falsity of every assertion they have made use of in their Resolve, or answer, I think it below my Notice at present to contradict them.

I have sent Duplicates of the Affidavits to the Lords of Trade, and had I had more leisure at the time of writing I could have produced severall others to the same effect.

I have heard of the resolution to grant no more than 20000 Acres to one Person, for which reason, and as I apprehend since the Survey it may amount to near 80000. I would insert My Son John Johnson, Daniel Claus, & Guy Johnson Esq^{rs} with my own Name but M^r Vroman haveing gone to York before y^e Survey was quite finished I have not yet been able to see the Draft or know the Quantity.

I am heartily sorry to find that any difficulty Should arise with regard to Maybes being removed. A Man who lives on the Indians planting Lands without a Just claim & Consequently in contempt of his Majestys late Proclamation. The Indians are constantly with me about it,

and imagine after hearing what was said by His Majestys Proclamation that we trifle wth them.

I am every day more & more convinced of y^e necessity there is for a method to do the Ind^s Justice in a Summary way as well with regard to property, as otherwise, for Instance in the Affair of Klock, 'till some proper Plan be adopted for preventing it, every interested fellow set up perhaps by others equally interested can at all times intice two or three Idle Indians to England either with design to exhibit them for a little Cash, or to impose them on Persons in power, as men of consequence which must prove highly disagreeable to the Indians in General, as well as hurtfull to the Public, should any Persons at Home suffer themselves to be imposed upon by them, but of this I am little apprehensive.

There were three Indians who sett out from Conajohare, but one of them (a fellow who has left the Castle & lived for some years with Klock) repented and is returned back.

What you have mentioned with regard to Appeals in civil cases appears verry necessary, & I am persuaded the Colonists in general have greatly deceived themselves as well as hurt their Interest at Home by their impotent Attempts to intimidate y^e Government at home, where the Prerogative of the Crown is, & will be more supported than ever. The Mystery you mention in Co^{ll} Bradstreets Conduct could easily be cleared up, if the Public had an impartial Detail of the Proceedings of the Campaign, but People in general are liable to be greatly deceived by partial representations of matters they are unacquainted with, neither can they perceive the Absurdity of the *Subjection* and *Dominion* said to be acknowledged by the Ottawaes & Chippawaes, as they are ignorant that these words were never used, nor have any words to express them by. This much I am sure of, that whenever these Nations hear what they are said to have declared, it will require no small address to prevent a War more terrible than the last. As for the Shawanese Delawares & Indians of Sandusky, they still continue our Enemys not

withstanding the Transactions with the 10 Impostors who met y^e Army in Lake Erie August the 12th & the Treaty of the 29th Septb^r with the Wiandots of Sandusky. On the Arrival of my officers who Accompanied the Army, I shall know still more of the Matter, they, with the greatest part of the Indians, & a considerable Number of the Troops were obliged to March provisionless thro the Woods, from where the Boats (near one half) were (by acc^{ts}) lossed by some unlucky neglect, by which many Men perished in y^e Woods, & many more would have shared y^e same unhappy Fate but for the Assistance afforded them by the Ind^s along with them, and that of the Senecas thro whose Towns they passed, as I am credibly informed by Several of the Officers private Men & our Indians.

As Soon as the return of the Survey is ready I shall forward it to you, with the letter you was so good to draw up and I beg you will beleive I am now, and at all times with y^e utmost sincerity & respect

Dear Sir

Your most Hearty Welwisher & Affec^t. Humble Servant

Lieut. Governour COLDEN

W^m. JOHNSON

From Sir William Johnson

JOHNSON HALL Decb^r 18th 1764

Dear Sir

I had yesterday the favour of your letter of the 10th Ins^t., and at the same time received the verry agreeable news of the success of Co^{ll} Bouquets proceedings, w^h considering his Scituation & force have been verry important & the more so as y^e Shawanese were in Expectation of receiving a large Cargoe from the Illinois, from whence they have been constantly supplied by the French ever Since the commencement of Hostilities, and this must continue to be y^e Case until we shall become possessed of that Country.

The Indians will expect a Trade to be opened with

them early in the Spring. All the Nations who met me at Niagra were verry earnest concerning it. It were to be wished that the Plan for the future Management of Indian Affairs was Settled before it was opened, and I am in some hopes it will arrive before the Traders can set out. At present I can only say that I am of opinion such Licences as are granted before the final regulation should contain a Claus binding the Traders to follow such Orders & Regulations as are shortly to be made on pain of forfeiting their Licence or Recognizance &ca. We cannot take too much care to guard agst abuses at the Revival of this Trade, as most People will be for taking advantages at the beginning of it, which may prove verry Hurtfull, & upset our Measures with the Indians.

I heartily wish you may effect the affair of Appeals, and I can easily conceive the opposition it will meet with from those whose Interest it is to oppose, but the Plan they seem to lay down of paying court to their Sovereign by abridgeing his Prerogative, will probably prove the ruin of all their Schemes.

I am extremely glad to hear of Genr^l. Gages Establishment in the Command, it will put a stop to many Peoples hopes, who relied on imposeing on Genrl^s Monktons unacquaintancy with them & his easy disposition, and I heartily wish you may long enjoy the Government, & contribute to support his Majestys Just Rights & Prerogatives.—& I hope you will beleive

that I am with y^e greatest Sincerity, & Esteem

Dear Sir

Your most Obedient Humble Servant

The Hon^{ble} Gov^r COLDEN

W^m. JOHNSON

From Gen. Thomas Gage

NEW YORK Dec^r 30th 1764.

Sir,

I have received your Letter of yesterday, concerning some Disturbances the Officers are accused of having been

guilty of at the Assembly. If any have intruded without Tickets or proper Leave they should be Named as they might be spoke to upon it. But I can't learn from indifferent People, that there was more Noise than usually proceeds from Gentlemen and Ladys talking together; in which the offices had as great a share as other People, and the Accidental falling of a Bench. The Ground of the Complaint from what I have heard, proceeds on some Difference after the Assembly was over. Gentlemen and Ladys wanted to dance which the Managers would not allow them to do, and locked up the Assembly Room. This obliged the Dancers to get a private Room in the House, where they danced for some Hours. Some Person piqued at this, wrote a Paper which was published in the News, treating both Gentlemen and Ladys with very great Indecency. That Paper was reported to be wrote by some of the Managers, and the next assembly a number of officers, asked them whether they were the authors of the Paper, & which they denied. Whether this occasioned any mere Disturbance I never heard nor can I meet with any Person who says it did. The Affair of the Drums I have particularly enquired into, and I am possibly assured, that no such Instruement was brought into the House. But am told the Musick of the Army was there. Upon asking with what Intention it was brought there, I am told with an Intent to dance after the Assembly was over. Whether that was the Intention of the Musick or not I can't say, but I don't hear any use was made of it.

If you hear of anything more particular or any Individuals pointed at, as being guilty of Riots or Disturbances you will be so good to acquaint me. As I shall at all Times be glad to cooperate with you in keeping Peace. But I can't see in what has passed, unless more has happened, that there has been any Insult on the Libertys of the People or that there is more than a Dispute between the Managers and some gentlemen and Ladys, whether the latter shall dance after the Consert or not? If it is improper, The Ladys will no Doubt be prevented to do it

by their Friends, and not lead the Gentlemen into Scrapes. These are matters I can have no Concern in. Gentlemen who are so good to take the trouble to become Managers of any Publick Diversion, deserve the thanks and Protection of the Publick. If any of them have received any Insult beyond the Question asked them, they ought to declare it and say who it was insulted them. The asking the Question in the Assembly Room was very improper, as it brought People in Groupes and I find occasioned some gross abuse as well from the Gentlemen of the Town, as from the Officers against the Author of the Paper. I can hear of no other Disturbance or any Intentions of making any riot whatever. The Managers did not afterwards choose to let the Musick play, a few Ladys only had come and went away and the Concert broke up. I am with great Regard

Sir,

Your most obedient humble Servant

THOS. GAGE

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